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LEGISLATIVE HISTORY

Public Law 87-299
H. R. 6141

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INDEX AND SUMMARY OF H. R. 6141

Apr. 10, 1961	Rep. Murray introduced H. R. 6141 which was referred to the House Post Office and Civil Service Committee. Print of bill as introduced.
Jun. 13, 1961	House subcommittee voted to report H. R. 6141 to the full committee.
Jun. 15, 1961	House committee reported H. R. 6141 without amendment. H. Report No. 541. Print of bill and report.
Jun. 27, 1961	House Rules Committee reported a resolution for consideration of H. R. 6141. H. Res. 361 and H. Report No. 600. Print of resolution and report.
Jul. 11, 1961	House concluded debate on H. R. 6141.
Jul. 12, 1961	House passed H. R. 6141 without amendment.
Jul. 14, 1961	H. R. 6141 was referred to the Senate Post Office and Civil Service Committee. Print of bill as referred.
Aug. 9, 1961	Senate subcommittee voted to report H. R. 6141 to the full committee.
Aug. 30, 1961	Senate committee voted to report (but did not actually report) H. R. 6141.
Sept. 1, 1961	Senate committee reported H. R. 6141 without amendment. S. Report No. 862. Print of bill and report.
Sept. 7, 1961	Senate passed over H. R. 6141.
Sept. 12, 1961	Senate passed H. R. 6141 without amendment.
Sept. 26, 1961	Approved: Public Law 87-299.

DIGEST OF PUBLIC LAW 87-299

DENIAL OF ANNUITIES IN CASES INVOLVING NATIONAL SECURITY OFFENSES. Limits to cases involving the national security the prohibition on payment of annuities and retired pay to former officers and employees of the United States. Restores certain Federal retirement benefits (including survivor benefits) which, under the provisions of Public Law 769,83d Congress, have been denied to a number of individuals because of commission of comparatively minor offenses which are in no way related to the national security.

87TH CONGRESS
1ST SESSION

H. R. 6141

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1961

Mr. MURRAY introduced the following bill; which was referred to the Committee on Post Office and Civil Service

A BILL

To amend the Act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes", approved September 1, 1954, as amended (68 Stat. 1142, 70 Stat. 761; 5 U.S.C. 2281–2288), is amended to read as follows:

'That (a) there shall not be paid to any person con-

victed, prior to, on or after September 1, 1954, under any article or provision of law specified or described in this subsection, of any offense within the purview of such article or provision to the extent provided in this subsection, or to any survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or subsequent to September 1, 1954, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay—

"(1) any offense within the purview of—

"(A) section 792 (harboring or concealing persons), 793 (gathering, transmitting, or losing defense information), 794 (gathering or delivering defense information to aid foreign government), or 798 (disclosure of classified information), of chapter 37 (relating to espionage and censorship) of title 18 of the United States Code,

"(B) chapter 105 (relating to sabotage) of title 18 of the United States Code,

"(C) section 2381 (treason), 2382 (misprison of treason), 2383 (rebellion or insurrection), 2384 (seditious conspiracy), 2385 (advocating

overthrow of government), 2387 (activities affecting armed forces generally), 2388 (activities affecting armed forces during war), 2389 (recruiting for service against United States), or 2390 (enlistment to serve against United States), of chapter 115 (relating to treason, sedition, and subversive activities) of title 18 of the United States Code,

"(D) section 10(b)(2), 10(b)(3), or 10(b)(4) of the Atomic Energy Act of 1946 (60 Stat. 766, 767; 42 U.S.C., 1952 edition, sec. 1810 (b)(2), (3) and (4), as in effect prior to the enactment of the Atomic Energy Act of 1954 by the Act of August 30, 1954 (68 Stat. 919; Public Law 703, Eighty-third Congress; 42 U.S.C. 2011–2281),

"(E) section 16(a) or 16(b) of the Atomic Energy Act of 1946 (60 Stat. 773; 42 U.S.C., 1952 edition, sec. 1816 (a) and (b)) as in effect prior to the enactment of the Atomic Energy Act of 1954 by the Act of August 30, 1954, insofar as such offense under such section 16(a) or 16(b) is committed with intent to injure the United States or with intent to secure an advantage to any foreign nation, or

"(F) any prior provision of law on which any provision of law specified in subparagraph (A), (B), or (C) of this paragraph is based;

"(2) any offense within the purview of—

"(A) article 104 (aiding the enemy) or article 106 (spies) of the Uniform Code of Military Justice (chapter 47 of title 10 of the United States Code) or any prior article on which such article 104 or article 106, as the case may be, is based, or

"(B) any current article of the Uniform Code of Military Justice (or any prior article on which such current article is based) not specified or described in subparagraph (A) of this paragraph on the basis of charges and specifications describing a violation of any provision of law specified or described in paragraph (1), (3), or (4) of this subsection if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defendant dies before execution of such sentence as finally approved;

"(3) perjury committed under the laws of the United States or of the District of Columbia—

"(A) in falsely denying the commission of an act which constitutes any of the offenses—

"(i) within the purview of any provision

of law specified or described in paragraph (1) of this subsection, or

"(ii) within the purview of any article or provision of law specified or described in paragraph (2) of this subsection insofar as such offense is within the purview of any article or provision of law specified or described in paragraph (1) or paragraph (2) (A) of this subsection,

"(B) in falsely testifying before any Federal grand jury, court of the United States, or court-martial with respect to his service as an officer or employee of the Government in connection with any matter involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States, or

"(C) in falsely testifying before any congressional committee in connection with any matter under inquiry before such congressional committee involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States; and

"(4) subornation of perjury committed in connection with the false denial or false testimony of another person as specified in paragraph (3) of this subsection.

"(b) There shall not be paid to any person convicted, prior to, on, or after the date of enactment of this amendment, under any article or provision of law specified or described in this subsection, of any offense within the purview of such article or provision to the extent provided in this subsection, or to any survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or subsequent to the date of enactment of this amendment, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay—

"(1) any offense within the purview of—

"(A) section 222 (violation of specific sections) or section 223 (violation of sections generally of the Atomic Energy Act of 1954 (68 Stat. 958; 42 U.S.C. 2272 and 2273) insofar as such offense under such section 222 or 223 is committed with intent to injure the United States or with intent to secure an advantage to any foreign nation,

"(B) section 224 (communication of restricted

data), section 225 (receipt of restricted data), or section 226 (tampering with restricted data) of the Atomic Energy Act of 1954 (68 Stat. 958 and 959; 42 U.S.C. 2274, 2275, and 2276), or

"(C) section 4 (conspiracy and communication or receipt of classified information), section 112 (conspiracy or evasion of apprehension during internal security emergency), or section 113 (aiding evasion of apprehension during internal security emergency) of the Internal Security Act of 1950 (64 Stat. 991, 1029, and 1030; 50 U.S.C. 783, 822, and 823);

"(2) any offense within the purview of any current article of the Uniform Code of Military Justice (chapter 47 of title 10 of the United States Code), or any prior article on which such current article is based, on the basis of charges and specifications describing a violation of any provision of law specified or described in paragraph (1), (3), or (4) of this subsection, if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defendant dies before execution of such sentence as finally approved;

"(3) perjury committed under the laws of the United States or the District of Columbia in falsely

denying the commission of an act which constitutes any of the offenses within the purview of any provision of law specified or described in paragraph (1) of this subsection; and

"(4) subornation of perjury committed in connection with the false denial of another person as specified in paragraph (3) of this subsection.

"SEC. 2. (a) There shall not be paid to any person who, prior to, on, or after September 1, 1954, has refused or refuses, or knowingly and willfully has failed or fails, to appear, testify, or produce any book, paper, record, or other document, relating to his service as an officer or employee of the Government, before a Federal grand jury, court of the United States, court-martial, or congressional committee, in any proceeding with respect to—

"(1) any relationship which he has had or has with a foreign government, or

"(2) any matter involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States, or to the survivor or beneficiary of such person, for any period subsequent to September 1, 1954, or subsequent to the date of such failure or refusal of such person, whichever

date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

"(b) There shall not be paid to any person who, prior to, on, or after September 1, 1954, knowingly and willfully, has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, knowingly and willfully, has concealed or conceals any material fact, with respect to his—

"(1) past or present membership in, affiliation or association with, or support of the Communist Party, or any chapter, branch, or subdivision thereof, in or outside the United States, or any other organization, party, or group advocating (A) the overthrow, by force, violence, or other unconstitutional means, of the Government of the United States, (B) the establishment, by force, violence, or other unconstitutional means, of a Communist totalitarian dictatorship in the United States, or (C) the right to strike against the Government of the United States,

"(2) conviction, under any article or provision of law specified or described in subsection (a) of the first

section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or

"(3) failure or refusal to appear, and testify, or produce any book, paper, record, or other document. as specified in subsection (a) of this section,

for any period subsequent to September 1, 1954, or subsequent to the date on which any such statement, representation, or concealment of fact is made or occurs, whichever date is later, in any document executed by such person in connection with his employment in, or application for, a civilian or military office or position in or under the legislative, executive, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

"(c) There shall not be paid to any person who, prior to, on, or after the date of enactment of this amendment, knowingly and willfully, has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, knowingly and willfully, has concealed or conceals any material fact, with respect to his

conviction, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, for any period subsequent to the date of enactment of this amendment or subsequent to the date on which any such statement, representation, or concealment of fact is made or occurs, whichever date is later, in any document executed by such person in connection with his employment in, or application for, a civilian or military office or position in or under the legislative, executive, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

"SEC. 3. There shall not be paid to any person—

"(1) who (A) after July 31, 1956, is under indictment, or has outstanding against him charges preferred under the Uniform Code of Military Justice, for any offense within the purview of subsection (a) of the first section of this Act, or (B) after the date of enactment of this amendment, is under indictment, or has outstanding against him charges preferred under the Uniform

Code of Military Justice, for any offense within the purview of subsection (b) of such first section, and

"(2) who willfully remains outside the United States, its Territories and possessions, and the Commonwealth of Puerto Rico for a period in excess of one year with knowledge of such indictment or charges, as the case may be,

for any period subsequent to the end of such one-year period, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay, unless and until—

"(i) a nolle prosequi to the entire indictment is entered upon the record, or such charges have been dismissed by competent authority, as the case may be,

"(ii) such person returns and thereafter the indictment, or charges, is or are dismissed, or

"(iii) after trial by court or court-martial, as applicable, the accused is found not guilty of the offense or offenses referred to in paragraph (1) of this section.

"SEC. 4. (a) In the case of—

"(1) the conviction of any person, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within

the purview of such subsection (a) to the extent provided in such subsection, or the commission by any person of any violation of subsection (a) or (b) of section 2 of this Act, or

"(2) the conviction of any person, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by any person of any violation of subsection (c) of section 2 of this Act,

any amounts (not including employment taxes) contributed by such person toward an annuity the benefits of which are denied under this Act (less any amounts previously refunded or previously paid as annuity benefits) shall be refunded, upon appropriate application therefor—

"(A) to such person,

"(B) if such person is deceased, to such other person or persons as may be designated to receive refunds by or under the law, regulation, or agreement under which the annuity (the benefits of which are denied under this Act) would have been payable, or

"(C) if there is no such designation, in the order of precedence prescribed in section 11(c) of the Civil

Service Retirement Act (70 Stat. 755; 5 U.S.C. 2261(c)) or section 2771 of title 10 of the United States Code, as applicable.

"(b) Each refund under subsection (a) of this section shall be made with interest at such rates and for such periods as may be provided under the law, regulation, or agreement under which the annuity would have been payable. Such interest shall not be computed—

"(1) if paragraph (1) of subsection (a) of this section is applicable, for any period after the date of conviction or commission of violation, as the case may be, or after September 1, 1954, whichever date is later, or

"(2) if paragraph (2) of subsection (a) of this section is applicable, for any period after the date of conviction or commission of violation, as the case may be, or after the date of enactment of this amendment, whichever date is later.

"(c) No person whose annuity is denied under this Act shall be required to repay that part of any annuity otherwise properly paid to such person which is in excess of the aggregate amount of his own contributions toward such annuity, with applicable interest.

"(d) No survivor or beneficiary of any such person shall be required to repay that part of any annuity otherwise

properly paid to such person or to such survivor or beneficiary on the basis of the service of such person which is in excess of the aggregate amount of the contributions of such person toward annuity, with applicable interest.

"SEC. 5. (a) No person (including an eligible beneficiary under chapter 73 of title 10 of the United States Code or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374)) to whom payment of retired pay is denied under this Act shall be required to refund to the United States any retired pay otherwise properly paid to such person or beneficiary which is paid in violation of this Act.

"(b) In the case of the conviction of, or the commission of any violation by, any person to the extent provided in paragraph (1) or paragraph (2), as the case may be, of section 4(a) of this Act, any deposits made under section 1438 of chapter 73 of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374), to provide the eligible beneficiary with annuity for any period (less amounts previously paid as retired pay benefits) shall be refunded, upon appropriate application therefor, in accordance with such section 4(a), with interest as provided in section 4(b) of this Act.

"SEC. 6. (a) The right to receive an annuity or retired pay shall be deemed restored to any person convicted, prior to, on, or after September 1, 1954, of an offense which is within the purview of the first section of this Act or which constitutes a violation of section 2 of this Act, for which he is denied under this Act an annuity or retired pay, to whom a pardon of such offense is granted by the President of the United States, prior to, on, or after September 1, 1954, and to the survivor or beneficiary of such person. Such restoration of the right to receive an annuity or retired pay shall be effective as of the date on which such pardon is granted. Any amounts refunded to such person under section 4 or section 5 (b) of this Act shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made, by virtue of such pardon, for any period prior to the date on which such pardon is granted.

"(b) The President is authorized to restore, effective as of such date as he may prescribe, the right to receive an annuity or retired pay to any person who is denied, prior to, on, or after September 1, 1954, an annuity or retired pay under section 2 of this Act, and to the survivor or beneficiary of such person. Any amounts refunded to such person under section 4 or section 5 (b) of this Act shall be redeposited before credit is allowed for the period or periods

of service covered by the refund. No payment of annuity or retired pay shall be made, by virtue of such restoration of annuity or retired pay by the President under this subsection, for any period prior to the effective date of such restoration of annuity or retired pay.

"(c) The right to receive an annuity or retired pay shall not be denied because of any conviction of an offense which is within the purview of the first section of this Act or which constitutes a violation of section 2 of this Act, in any case in which it is established by satisfactory evidence that such conviction or violation resulted from proper compliance with orders issued, in a confidential relationship, by a department, agency, establishment, or other authority of any branch of the Government of the United States or of the government of the District of Columbia.

"SEC. 7. No accountable officer or employee of the Government shall be held responsible for any payment made in violation of any provision of this Act if such payment is made in due course and without fraud, collusion, or gross negligence.

"SEC. 8. (a) The President may—

"(1) drop from the rolls any member of the armed forces, and any member of the Coast and Geodetic Survey or of the Public Health Service, who is deprived of retired pay under the provisions of this Act, and

"(2) (A) restore to any person so dropped from the rolls to whom retired pay is restored by reason of any provision of or change in this Act (including the provisions of section 2 of the Act which enacts this clause), his military status, and (B) restore to him and his beneficiaries all rights and privileges of which he or they were deprived by reason of his name having been dropped from the rolls.

"(b) If the person restored was a commissioned officer he may be reappointed by the President alone to the grade and position on the retired list which he held at the time his name was dropped from the rolls.

"SEC. 9. This Act shall not be construed to restrict any authority under any other provision of law to deny or withhold benefits authorized by law.

"SEC. 10. As used in this Act—

"(1) the term 'officer or employee of the Government' includes—

"(A) an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States;

"(B) a Member of, Delegate to, or Resident Commissioner in, the Congress of the United States;

"(C) an officer or employee of the government of the District of Columbia; and

"(D) a member or former member of the armed forces, the Coast and Geodetic Survey, or the Public Health Service.

"(2) the term 'annuity' means any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act and any monthly annuity under section 2 or section 5 of the Railroad Retirement Act of 1937) payable by any department or agency of the Government of the United States or the government of the District of Columbia upon the basis of service as a civilian officer or employee of the Government and any other service which is creditable to an officer or employee of the Government toward such benefit under the law, regulation, or agreement providing such benefit, except that—

"(A) the term 'annuity' does not include any benefit provided under laws administered by the Veterans' Administration;

"(B) the term 'annuity' does not include salary or compensation which may not be diminished under section 1 of Article III of the Constitution of the United States;

"(C) the term 'annuity' does not include, in the case of a benefit payable under title II of the

Social Security Act, so much of such benefit as would be payable without taking into account (for any of the purposes of such title II, including determinations of periods of disability under section 216 (i)) any remuneration for service as an officer or employee of the Government;

"(D) the term 'annuity' does not include any monthly annuity awarded under section 2 or section 5 of the Railroad Retirement Act of 1937 prior to the date of enactment of this amendment (whether or not computed under section 3 (e) of such Act) and, in the case of any annuity awarded under such section 2 or 5 on or subsequent to the date of enactment of this amendment, does not include so much of such annuity as would be payable without taking into account any military service creditable under section 4 of such Act;

"(E) the term 'annuity' does not include any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act) of any person to whom such benefit has been awarded or granted prior to September 1, 1954, or of the survivor or beneficiary of such person, insofar as concerns the conviction of such person, prior to such

date, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (a) or (b) of section 2 of this Act; and

"(F) the term 'annuity' does not include any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act) of any person to whom such benefit has been awarded or granted prior to the date of enactment of this amendment, or of the survivor or beneficiary of such person, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (c) of section 2 of this Act.

"(3) the term 'retired pay' means retired pay, retirement pay, retainer pay, or equivalent pay, payable

under any law of the United States to members or former members of the armed forces, the Coast and Geodetic Survey, and the Public Health Service, and any annuity payable to an eligible beneficiary of any such member or former member under chapter 73 (annuities based on retired or retainer pay) of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374), except that—

"(A) the term 'retired pay' does not include any benefit provided under laws administered by the Veterans' Administration;

"(B) the term 'retired pay', as applicable to retired pay, retirement pay, retainer pay, and equivalent pay, does not include any such pay of any person to whom such pay has been awarded or granted prior to September 1, 1954, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by such person, prior

to such date, of any violation of subsection (a) or (b) of section 2 of this Act;

"(C) the term 'retired pay', as applicable to retired pay, retirement pay, retainer pay, or equivalent pay, does not include any such pay of any person to whom such pay has been awarded or granted prior to the date of enactment of this amendment insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (c) of section 2 of this Act; and

"(D) the term 'retired pay', as applicable to an annuity payable to the eligible beneficiary of any person under chapter 73 of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C. 1952 edition, Supp. III, sec. 374), does not include any such annuity of any such beneficiary if such annuity has been awarded or granted to such beneficiary, or if retired pay has been

awarded or granted to such person, prior to the date of enactment of this amendment insofar as concerns—

"(i) the conviction, prior to such date, of the person on the basis of whose service such annuity is awarded or granted, under any article or provision of law specified or described in the first section of this Act, of any offense within the purview of such first section to the extent specified in such section, or

"(ii) the commission by such person, prior to such date, of any violation of section 2 of this Act.

"(4) the term 'armed forces' shall have the meaning provided for such term by title 10 of the United States Code.

"SEC. 11. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"SEC. 12. (a) Section 3282 of title 18 of the United States Code is amended by striking out 'three' and inserting in lieu thereof 'five'.

"(b) The amendment made by subsection (a) shall be effective with respect to offenses (1) committed on or after September 1, 1954, or (2) committed prior to such date, if on such date prosecution therefor is not barred by provisions of law in effect prior to such date."

SEC. 2. (a) Subject to subsection (b) of this section, any person, including his survivor or beneficiary, to whom annuity or retired pay is not payable under the Act of September 1, 1954, as in effect at any time prior to the date of enactment of this Act, by reason of any conviction of an offense, any commission of a violation, any refusal to answer, or any absence under indictment, or under charges, for any offense, shall be restored the right to receive such annuity or retired pay for any and all periods for which he would have had the right to receive such annuity or retired pay if the Act of September 1, 1954, had not been enacted, unless, under the amendment made by the first section of this Act, such annuity or retired pay remains nonpayable to such person, including his survivor or beneficiary.

(b) No annuity accrued or accruing, prior to, on, or after the date of enactment of this Act, on account of the restoration, by reason of the amendment made by the first section of this Act and by reason of subsection (a) of this section, of the right to receive such annuity, shall be paid

until any sum refunded under section 3 of the Act of September 1, 1954, as in effect prior to the date of enactment of such amendment, is deposited or is collected by offset against the annuity.

87TH CONGRESS
1ST SESSION

H. R. 6141

A BILL

To amend the Act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such Act, and for other purposes.

By Mr. MURRAY

APRIL 10, 1961

Referred to the Committee on Post Office and Civil Service

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For Department Staff Only)

Issued June 14, 1961
For actions of June 13, 1961
87th-1st, No. 93

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HIGHLIGHTS: House passed Commerce-General Government Matters appropriation bill. House committee voted to report bills for USDA and land-grant college centennial celebration.

HOUSE

1. APPROPRIATIONS. Passed with amendment H. R. 7577, the general Government matters and Department of Commerce appropriation bill for 1962. pp. 9435-55

The bill includes various general provisions, applying to the Government generally, relating to prices of vehicles, alien employment, living quarters allowances in foreign countries, etc. These general provisions are the same as for the current year except for the addition of provisions (1) to make an additional exception to the prohibition on the employment of aliens so as to permit the Department of Agriculture to employ alien veterinarians who are nationals of Poland if they are otherwise qualified for employment in the U.S.; (2) to establish a limitation of $6.50 per volume on the Modern Federal Practice Digest; and (3) to provide for quarters and cost-of-living allowances in accordance with the Overseas Differentials and Allowances Act. It includes $27,400,000 for financing forest highways out of trust funds. The bill also includes items for the Budget Bureau, Council of Economic Advisers, Census Bureau, Bureau of Public Roads, Weather Bureau, Advisory Commission on Intergovernmental Relations, Small Business Administration, and Tariff Commission.

The committee report includes the following statements:

THE WHITE HOUSE OFFICE

"The appropriation of $1,500,000 is recommended, which is the amount requested and is the same as appropriated for 1961. The amendments to the budget, contained in H. Doc. 158, proposed the transfer of public works and resources planning responsibilities to the Bureau of the Budget and the Council of Economic Advisers with a request for additional funds for those agencies, but did not include a corresponding decrease in this appropriation. Since hearings were held on these items it is understood that the transfer will not be made. Consequently no adjustment is recommended. ***

BUREAU OF THE BUDGET

"A major responsibility of the Bureau is to coordinate the many and varied activities of the Government. The Committee is acutely aware of the many like and similar activities and programs carried on by more than one department or agency, a situation which opens the way to unnecessary duplication and expenditure. The Bureau is urged to continue to direct particular attention toward the avoidance or elimination of any such duplication in every way possible. It is a luxury we cannot afford. ***

WEATHER BUREAU

"Several years ago the Committee provided funds for the establishment of agricultural weather reporting pilot stations in the delta counties of the Mississippi which have proved to be most successful. It was testified that only tentative plans have been made to extend this service. In the 1962 Department of Agriculture Appropriation Bill reported last week the Committee recommended $20,000 for the Department of Agriculture for a joint survey with the Weather Bureau to determine the need for this type of information in other sections of the United States and to explore the possibility of coordination with and use of existing Market News Service facilities in disseminating the information. Accordingly $20,000 of the total in this appropriation is to be used for Weather Bureau participation in this joint project. In the meantime, there are certain areas that require service at an early date and $594,500 of this appropriation is to be allotted to the establishment and extension of agricultural weather reporting services in the following areas: Arkansas, Missouri, Missippi, and Tennessee; Southwest Georgia, Southeast Alabama, and Northwest Florida; Lower Western Michigan; Lower Rio-Grande Valley, Texas; Oregon; and New Jersey."

2. CENTENNIALS. The Judiciary Committee voted to report (but did not actually report) H. J. Res. 435, to provide for recognition of the centennial of the establishment of the Department of Agriculture, and H. J. Res. 436, to provide for recognition of the centennial of the establishment of the national system of land-grant universities and colleges. p. D449

3. PERSONNEL. A subcommittee of the Post Office and Civil Service Committee voted to report to the full committee H. R. 6141, to limit the prohibition against payments of retirement of annuities to officers or employees of the U. S. for offenses involving the national security. p. D449

4. EASEMENTS. Received from GSA a proposed bill to authorize executive agencies to grant easements in, over, or upon real property of the United States under the control of such agencies; to Public Works Committee. p. 9461

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For Department Staff Only)

Issued June 16, 1961
For actions of June 15, 1961
87th-1st, No. 100

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HIGHLIGHTS: Senate committee reported agricultural appropriation bill. Sen. Dirksen introduced and discussed bill to establish rural redevelopment research center.

SENATE

1. AGRICULTURAL APPROPRIATION BILL, 1962. The Appropriations Committee reported with amendments this bill, H. R. 7444 (S. Rept. 394) (p. 9753). Attached to this Digest is a copy of the committee report, which explains the committee actions.

2. ROADS. Passed with amendments H. R. 6713, to provide for completion of the national system of interstate and defense highways. (pp. 9772-80, 9784-9803, 9805, 9807-33). Senate conferees were appointed (p. 9833). Rejected an amendment by Sen. Long, La., which would have made money in the highway trust fund available for forest and public-lands highways obligations (pp. 9829-31).

3. BUDGETING. Sen. Keating stated that he had been informed that the President had requested his staff to study the question of the item veto of appropriation bills and stated that he hoped "that this projected study by the White House will be concluded in the near future and will result in strong and active presidential support for the item veto and for other needed and important reforms in our governmental fiscal machinery." pp. 9770-1

Sen. McClellan inserted and commended a newspaper editorial, "How To Write a Better U. S. Budget," supporting enactment of legislation to provide for the establishment of a congressional Joint Committee on the Budget. pp. 9832-3

4. ECONOMIC CONDITIONS. Sen. Douglas discussed the testimony of the Council of Economic Advisers before the Joint Economic Committee on current economic conditions and the testimony of Dr. Arthur Burns criticizing the position of the Council, and inserted a statement, "An Analysis of Prof. Arthur F. Burns' Critique of the Council's Position." pp. 9833-6

5. PATENTS. Sen. Long, La., inserted an article, "The $3 Billion a Year Giveaway, criticizing the practice of permitting private patents to industry resulting from research projects financed by the Federal Government. p. 9836

6. LEGISLATIVE PROGRAM. Sen. Humphrey announced that the agricultural appropriation and water pollution control bills will be considered next week, probably on Tues. p. 9845

HOUSE

7. APPROPRIATIONS. The Appropriations Committee was given until midnight tonight, Fri., to file a report on the fourth supplemental appropriation bill, 1961. p. 9703

8. TEXTILES. Rep. Hemphill inserted several articles, "Seeks Finest Youths -- Clemson Unveils Master Textile Education Plan," "A Terminal Case," "Cotton Executive Calls for Textile Import Quotas," and "Unemployment in the Textile Industry." pp. 9734-9

Rep. Sikes said, "It is very important -- I consider it essential -- that the State Department deal adequately with the entire textile import problem, including manmade fiber, filament, and yarn, fabrics and apparel therefrom." pp. 9741-2

9. PUBLIC LANDS. Rep. Mathias said, "The Nation must preserve farm and forest areas to provide areas for future urban expansion ... and to provide watersheds for cities' water supplies. Equally important, yet more difficult to provide, because the need is less obvious, is land for proper and adequate recreation facilities provided by forests and fields." pp. 9734-41

Received from the Interior Department a proposed bill to authorize the classification, segregation, lease, and sale of public land for urban, business, and occupancy sites, and to repeal obsolete statutes; to Interior and Insular Affairs Committee. p. 9750

10. INTERNATIONAL TRAVEL. Received the conference report on S. 610, to strengthen the domestic and foreign commerce of the U. S. by providing for the establishment of an Office of International Travel within the Department of Commerce and a Travel Advisory Board (H. Rept. 650). p. 9704, 9750

11. PERSONNEL. The Post Office and Civil Service Committee reported without amendment H. R. 6141, to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the U. S. to clarify the application of such Act (H. Rept. 541). p. 9750

~~The Committee voted to report (but did not actually report) with amendments H. R. 7043, to extend to employees subject to the Classification Act of 1949 the benefits of salary increases in connection with the protection of basic compensation rates from the effects of downgrading actions, to provide salary protection for postal field service employees in certain cases of reduction in salry standing. p. D464~~

87TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 541

FORFEITURE OF FEDERAL RETIREMENT BENEFITS IN CASES OF OFFENSES INVOLVING THE NATIONAL SECURITY

JUNE 15, 1961.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. JAMES C. DAVIS, from the Committee on Post Office and Civil Service, submitted the following

REPORT

[To accompany H.R. 6141]

The Committee on Post Office and Civil Service, to whom was referred the bill (H.R. 6141) to amend the act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such act, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

STATEMENT

PURPOSE

The general purpose of this legislation is twofold.

First, this legislation continues in full force and effect the prohibitions now contained in the act of September 1, 1954 (68 Stat. 1142, Public Law 769, 83d Cong.), as amended (70 Stat. 761, 5 U.S.C. 2281–2288), against payment of any Federal annuity or retired pay on the basis of the service of any individual who has committed an offense involving the national security of the United States.

Second, this legislation restores certain Federal retirement benefits (including survivor benefits) which, under the existing provisions of the act of September 1, 1954, have been denied to a number of individuals not because of the commission by such individuals of offenses involving the national security but because of the commission by them of comparatively minor offenses which are in no way related to the national security.

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This legislation, which has the official approval of the executive branch, will restore retirement benefits to a number of postalfield service employees and other Federal personnel (including their survivors) who have been deprived of these benefits under the existing provisions of the act of September 1, 1954, because of their commission of relatively minor offenses not involving the national security. Many of these individuals, in fact, continued in or returned to Government employment and rendered faithful and efficient service until retirement. In these cases, there is no doubt as to the complete loyalty of these individuals to the United States. These individuals are not charged with any offense involving the national security.

The primary purpose of the act of September 1, 1954, as originally enacted, was to prohibit the payment of any Federal annuity or retired pay to any individual because of the commission by such individual of an offense involving the national security of the United States. However, such act, in its entirety and as now in effect, contains provisions which exceed this purpose and have resulted in the denial of Federal retirement benefits to certain individuals and their survivors for reasons which are not related to the primary purpose of such act.

This bill—H.R. 6141—will remedy this situation by providing for the restoration of Federal retirement benefits to those individuals (including their survivors) who have been deprived of such benefits under the act of September 1, 1954, on account of offenses other than offenses involving the national security. This bill does preserve and extend, however, the existing prohibition against payment of any Federal annuity or retired pay to any individual who has committed an offense involving the national security, or to his survivors.

PUBLIC POLICY

This committee believes that the results of operations under the act of September 1, 1954, necessitate an affirmative and definite statement with respect to the fundamental facts and issues which constitute the basis for the prohibition against the payment of any Federal annuity or retired pay under certain circumstances.

Adverse and hostile policies, attitudes, and other actions of certain foreign nations in the world today imperil the existence of the United States of America as a sovereign nation. Proof exists at every hand that one of the primary objectives of the Communist enemy is the infiltration of the Government of the United States with hostile influences in order to undermine and overthrow the Government. It is beyond the bounds of right and reason that an individual, whose acts or omissions are calculated to impede or destroy the national defense, safety, and security or to give aid and comfort or secure any advantage to foreign hostile forces and influences, should derive any Federal benefit in the form of annuity or retired pay based on his service as a Government officer or employee. This committee cannot emphasize too strongly that inaction and disregard on the part of the Congress of the United States or of any other organ of the Government with respect to any such situation constitutes dereliction of duty of the most serious nature.

This, therefore, is the proper frame of reference for the enactment, administration, and interpretation of this legislation. Overriding

considerations of national security and public necessity require that there be placed on the statute books a firm proscription against the payment by the Government of benefits in the form of annuity or retired pay to any individual whose acts or omissions endanger the security of the United States.

This legislation will accomplish an essential result with respect to the payment of Federal annuities and retired pay. Anything less will not serve.

It is apparent to this committee that a significant principle with respect to the nature of the benefits at issue has not been given the proper weight in the consideration of existing law. This principle is to the effect that an individual who assumes public office or employment accepts all of the obligations (explicit and implicit) of such office or employment as well as the emoluments thereof. When an individual enters the service of the United States, he imposes upon himself an extraordinary—even a unique—commitment of complete and unswerving loyalty to government and to country. This obligation of loyalty is preemptive of any and all rights and benefits accruing from public office or employment. Fulfillment of such obligation of loyalty at all times is an absolute condition precedent to the granting, vesting, and receipt of any right, benefit, or remedy arising out of the office or employment in the past, present, or future.

Breach of this obligation or high trust by an individual guilty of an act or omission which impairs the national security abrogates from the beginning any obligation of the United States to pay benefits based on the service of such individual. All claims for such benefits must stand or fall along with those of the individual whose conduct is at issue. In the case of such breach of trust, it is entirely fitting and proper to deny such benefits and at the same time make appropriate return of contributions made by the individual concerned. These benefits are, in part, in the nature of gratuities because of Government contributions toward such benefits. In effect, the payment of any such benefits to any such individual would be shocking to the public conscience and morals and repugnant to the high principles on which our Government is founded. This was made abundantly evident, during the consideration of the bill that became Public Law 769, 83d Congress, by a tremendous volume of protests to Members of Congress against payment of a civil service retirement annuity to a former Government employee then about to be released from a Federal penitentiary after serving a penal term for a conviction of perjury in a proceeding before a Federal grant jury involving a security matter. The overwhelming weight of testimony before this committee on such legislation supported these vehement and widespread protests.

No ground exists for the theory that the denial of such benefits is a form of punishment. The legislation merely spells out by statute what already is implicit in the law with respect to the acceptance of Federal office or employment and with respect to the conditions attached thereto which permit or preclude payment of the various emoluments of such office or employment. Nor is there substance for the proposition that this legislation will deny any right or benefit without due process or will inflict punishment without prior appropriate judicial proceedings. This legislation in no way operates in the nature of a trial and conviction. There is no provision in the bill for any determination that there has been an offense of commis-

sion or omission. The legislation will become operative only when and after there has been a trial and conviction, or when and after it has been established otherwise from the records of a duly constituted judicial or legislative tribunal, that such offense of commission or omission in fact has occurred.

The committee desires, also, to make perfectly clear the intention that this legislation constitutes an absolute and permanent bar to payment of any Federal annuity or retired pay under the conditions stipulated therein, subject only to the exceptions provided therein. This legislation is not a mere limitation on use of appropriated moneys; it operates to divest any individual, who places himself within its bar, of certain benefits to which he otherwise would be entitled by virtue of his Federal office or employment but which he has relinquished, absolutely and irrevocably, by his own breach of the primary condition of his employment—that is, complete and unswerving loyalty to the United States reaching to an initial agreement on his part that he will never act, or fail to act when it is his duty to act, in a manner adversely affecting the national security.

Explanation of H.R. 6141 by Sections

The reported bill contains two sections. The first section revises the act of September 1, 1954, as amended (5 U.S.C. 2281–2288), by further amending such act to read as shown in the quoted language. Section 2 of the bill provides for the restoration of annuity and retired pay to any person (and his survivors) which has been denied such person or survivors under Public Law 769, 83d Congress, but would not have been so denied had this legislation been in effect from the date of enactment of Public Law 769. This restoration of annuity and retired pay is conditioned upon redeposit of any amount refunded to such person or his survivors under Public Law 769 as a result of denial of annuity or retired pay. The effect of this legislation, in general terms, is set forth under the heading "Purpose" of this statement.

References to sections contained in this explanation (except the last paragraph) mean sections of the amendment made to Public Law 769 by the first section of H.R. 6141.

The amendment made by the first section of the bill carries out the policy of prohibiting Federal payment of annuity or retired pay to any person convicted of an offense, or guilty of one or more of certain acts or omissions relating to a matter involving the national security or the loyalty of an individual to the United States. This prohibition extends, also, to survivors of such person. It strikes out retroactively prohibitions in the present law against such payments to persons convicted of offenses, or guilty of acts or omissions, which do not relate to a matter involving the national security or the loyalty of an individual to the United States.

This policy required consideration of new laws enacted after September 1, 1954, the effective date of Public Law 769, 83d Congress, such as the Atomic Energy Act of 1954, and of laws not specifically included in the existing provisions of Public Law 769, such as the Internal Security Act of 1950 and the Uniform Code of Military Justice, to the extent that they prescribe loyalty offenses and penalties. Offenses not specifically covered by Public Law 769, as now in effect,

are made effective upon enactment of the proposed amendment. Those loyalty offenses covered by Public Law 769, as now in effect, are continued. To accomplish this, each general category of loyalty offenses covered by Public Law 769, as now in effect, is divided in two parts in the amendment; the first part reenacts prohibitions of present law and the second part spells out the added loyalty offenses. In this connection, the date of enactment of the bill is the reference date for certain cases excluded by the definition with respect to these newly added offenses, while September 1, 1954, is retained as the point of reference date for exclusion in the case of offenses previously under the law and continued by the amendment.

Thus, subsection (a) of the first section of the amendment spells out loyalty offenses in the present law, which are effective September 1, 1954. Subsection (b) spells out loyalty offenses effective from the date of enactment of the amendment. These later offenses are of the same general loyalty character and seriousness as the former.

The denial of any annuity or retired pay based on service of a person guilty of perjury in proceedings relating to the national security or the loyalty of an individual is spelled out in paragraph (3) of subsection (a) of the amendment for such perjury under present law, and in paragraph (3) of subsection (b) of the amendment for similar perjury in proceedings relating to the security and loyalty offenses added by the amendment.

Similarly, the denial of retired pay in cases of security and loyalty offenses under the Uniform Code of Military Justice is spelled out in paragraphs numbered (2) of subsections (a) and (b) of the first section of the amendment. Specification of such offenses is necessary due to a decision of the Comptroller General that such offenses are not covered by Public Law 769 as now in effect because courts-martial are not within the term "United States court" as used in present law. Otherwise, a large part of the offenses intended to be covered by present law would not be in the purview of the legislation. This decision also demonstrates the need, as provided by the bill, for clarification of the application of this legislation to present and former members of the Armed Forces generally.

Section 2 of the amendment is in two parts, as in the case of the first section, because of the necessity to include in this legislation certain security and loyalty offenses not covered by existing law.

Section 2(a) of the amendment prohibits annuities or retired pay to persons refusing, on grounds of self-incrimination, to testify or produce documents, in proceedings relating to loyalty, or with respect to their relations with foreign governments. This continues present law, except as to offenses not involving loyalty.

Section 2(b) of the amendment continues present law as to falsifying Communist or subversive associations or acts in applications or other related documents in connection with Federal service. It clarifies the matter of false oaths or statements after appointment, as in the case of subsequent security clearances.

Section 3 of the amendment made by the first section of H.R. 6141 repeats present law, as added by Public Law 854, 84th Congress, extending prohibitions of Public Law 769, 83d Congress, to fugitives under indictment or charge for offenses within the purview of this act, and extends such provision to court-martial cases. The language was added in Public Law 854, 84th Congress, at the request of the Department of Justice.

Section 4 of the amendment reenacts and clarifies present law providing for refund of contributions made to retirement funds by persons who are denied annuities under the act. Interest on such refunds will be as provided by law or regulation covering the annuity system involved—a clarification of present law. Subsections (c) and (d) of section 4 repeat and clarify present law under which a person denied an annuity is not required to refund any annuity payments, otherwise properly received before denial of the annuity, solely because such annuity payments exceed the total contributions to the annuity fund. This protection applies to survivor annuitants on the same basis.

Section 5 of the amendment was requested by military agencies to carry out intent of present law which is not clearly spelled out, that is, that retired pay, as well as annuities, otherwise properly paid prior to denial of retired pay or annuity for violation of this act, need not be collected back by the Government.

Section 6(a) of the amendment continues present law authorizing restoration of annuities or retired pay after pardon by the President, and applies the same principle to annuities or retired pay denied for conviction of the offenses added by the amendment and later restored by pardon. Subsection (c) provides for payment of annuities in cases of conviction of offenses prescribed in the act where it is established that the conviction resulted from proper compliance with confidential orders—such as the case of an FBI agent who might not be able to offer in defense that he joined an organization as an undercover agent. One such case already is reported by the U.S. Civil Service Commission.

Section 7 of the bill rewrites the existing provisions of the act of September 1, 1954, with respect to the responsibility of finance, disbursing, and other accountable officers and employees of the Government of the United States and the government of the District of Columbia for payments of annuity or retired pay in violation of the provisions of such act.

Section 5 of the act of September 1, 1954, as now in effect, provides that no accountable officer of the Government of the United States or the government of the District of Columbia shall be held responsible for any such wrong payment if such payment is made in due course and without negligence. This standard of responsibility as stated by such section 5—that the payment be made in due course and without negligence—literally and narrowly interpreted and applied may produce inequitable results for accountable officers in cases in which the facts and circumstances are deceptive. Moreover, the language of such section 5 may imply (contrary to the intent and purpose of such section) a standard of responsibility which is more rigid than the standard generally applicable to accountable officers.

Section 7 of the bill restates the standard of responsibility contained in such section 5 by providing, in effect, that no accountable officer or employee of the Government of the United States or the government of the District of Columbia shall be held responsible for any payment made in violation of any provision of the act of September 1, 1954, as amended by the bill, if such payment is made in due course and without fraud, collusion, or gross negligence. The purpose of the new section 7 is to protect the accountable officer from responsibility for wrong payment if the payment is made in the usual course of his duties and in accordance with the usual procedures and if there is no

wrongful intent on the part of the accountable officer (that is, no fraud or collusion) and if the payment is not made under circumstances which are so unusual as to put any reasonably prudent person on notice that the payment should not be made without further investigation (that is, the payment, under the circumstances, does not amount to gross negligence).

It is intended that each department, agency, and establishment concerned shall, insofar as may be practicable in the determination of the appropriate authority thereof, make provision for putting its accountable officers and employees on notice of the existence of any facts which may be a basis for the withholding of any payment in order to carry out the purposes of the act of September 1, 1954, as amended by this bill.

It is not required or intended, however, that any department, agency, or establishment, or any officer or employee thereof, shall compile or transmit any questionnaire, conduct any survey, or take any other comparable action for the purpose of determining whether any payment to any individual or class of individuals is prohibited by reason of the act of September 1, 1954, as amended by this bill.

Section 8 of the amendment continues present law authorizing the President to drop military personnel from the rolls if they are denied annuities under the amendment. It adds authority to restore such personnel to the rolls if the annuity is restored in accordance with the amendment—spelling out, at the request of the military departments, what is implicit in present law. It is emphasized that this Presidential authority does not alter existing administrative authority to correct administrative errors and thereby to restore any annuity or retired pay previously denied by erroneous administrative action under section 2 of the amendment or under existing law.

Section 9 of the amendment continues in effect any other laws which authorize the denial or withholding of benefits authorized by law.

Section 10: Section 10 of the act of September 1, 1954, as amended by the bill, contains definitions which are designed to clarify several problems of interpretation which have arisen in the administration of the act, as originally enacted, and to specify with particularity the persons covered and the benefits affected by the provisions of the act.

In general, section 10 specifies, by definition of the terms "officer or employee of the Government" and "armed forces", that the act applies to all civilian and military officers and employees of the United States, in the executive, legislative, and judicial branches of the Federal Government and the government of the District of Columbia. With respect to the benefits affected by the provisions of the act, in general, those benefits are restricted, by definition of the terms "annuity" and "retired pay", to retirement and survivor benefits, and benefits in the nature of retirement and survivor benefits, under any act of Congress where those benefits are based on periods of Federal service. However, the definitions exclude such benefits where granted before September 1, 1954, or (in the case of the new offenses specified in sec. 1(b) of such act) before the enactment of the bill; exclude benefits under laws administered by the Veterans' Administration; and provide that where benefits are payable under an act of Congress based on service other than service as an "officer or employee of the Government," such benefits may be payable, but only on the basis of non-Federal service.

Paragraph (1) of section 10 defines "officer or employee of the Government" in the manner described above.

Paragraph (2) of section 10 defines "annuity". The term includes all retirement benefits (other than military retirement benefits, which are covered by par. (3) of this section, and benefits under laws administered by the Veterans' Administration) and survivor benefits under any Federal law, to the extent that Federal service is used in the computation of such benefits.

The paragraph describes, as included in the term "annuity," benefits such as those provided in the Civil Service Retirement Act, the Foreign Service Act of 1946, the retirement systems for police and firemen of the District of Columbia, and the like.

The term "annuity" also includes benefits (including disability insurance and dependent's and survivor benefits) under title II of the Social Security Act, to the extent that such benefits are based on Federal service. Some Federal employees have received coverage under the Social Security Act based upon their civilian employment with the United States; other individuals have received coverage under that act based upon the gratuitous wage credits provided by section 217 of the Social Security Act for months of military service during World War II and thereafter. The term "annuity" is so defined that, in the computation of benefits under title II of the Social Security Act, where the act of September 1, 1954, as amended by the bill, is applicable, wage credits based on the Federal civilian service or military service, as applicable, will be disregarded. For example, such wage credits will be disregarded for purposes of determining whether or not the employee is "fully" or "currently" insured; for purposes of determining his "average monthly wage" under title II of the Social Security Act; for purposes of determining his eligibility for the "disability freeze"; and the like. The definition does not, however, affect any entitlement to social security benefits based on service other than Federal service; nor does it affect the entitlement of any person to such benefits based on awards made before September 1, 1954, or (in the case of the new offenses specified in sec. 1(b) of the act of September 1, 1954, as amended by the bill) on awards made before the date of enactment of the bill.

The definition of "annuity" is applicable in a similar manner to the Railroad Retirement Act of 1937. Under section 4 of that act, a railroad employee is given credit toward an annuity and toward survivor benefits for all periods of military service in a "war service period." The definition of the term "annuity" would provide, in general, that service otherwise creditable under such section 4 shall, where the act of September 1, 1954, as amended by the bill, is applicable, be disregarded in the computation of monthly annuities under section 2 or 5 of the Railroad Retirement Act of 1937, where the annuity is based in part on military service performed after September 7, 1939. The amendment would not affect pensions payable under section 6, or lump-sum payments under section 5(f)(1) or 5(f)(2), of such act, but would apply to lump-sum payments under sections 3(f), 3(b), and 5(i)(4) of such act, since payments under the three last-mentioned sections are in the nature of monthly annuity payments. The term "annuity" does not, however, include any annuity awarded under such act before the enactment of the bill, and therefore will not affect future payments on previously awarded annuities (including

annuities based on the provisions of sec. 3(e) of such act). In addition, the term does not affect the entitlement of any person to benefits under such act based on service other than service creditable under section 4 of the Railroad Retirement Act of 1937.

Paragraph (3) of this section defines "retired pay" so as to limit that term to the retired pay payable to a member of a uniformed service, or to his survivors, under the Uniformed Services Contingency Option Act of 1953 (presently codified as ch. 73 of title 10, United States Code). The term is limited in the same fashion as is the term "annuity," so as not to affect the entitlement of any person to benefits where the orginal award was made prior to September 1, 1954, or (in the case of the new offenses specified in sec. 1(b) of the act of September 1, 1954, as amended by the bill) made prior to the enactment of the bill

Paragraph (4) of this section defines "armed forces" by cross-reference to title 10 United States Code, which defines the term to include the Army, Navy, Marine Corps, Air Force, and Coast Guard, including all components thereof.

Section 11 of the amendment is a "separability" provision which provides that, notwithstanding a holding of invalidity of any provision of the amendment or of the application thereof to any person or circumstances, the remainder of the amendment, including the application of the provision with respect to which the holding of invalidity shall have been made to other persons or other circumstances, shall not be affected by such holding of invalidity.

Section 12 of the amendment is in a form requested by the Department of Justice in connection with a similar bill (H.R. 4601) reported favorably by this committee in the 86th Congress, 1st session, on March 26, 1959 (H. Rept. 258, 86th Cong.). Section 12 is a technical amendment which makes no change in existing law. This amendment adds a new section 12 to the act of September 1, 1954, as amended by this bill. The new section 12, which is in effect the same as the existing section 10 of the act of September 1, 1954, continues in effect, without any change or modification and without any change in its application, the amendment made by such section 10 to section 3282 of title 18 of the United States Code. Such section 3282 now provides a statute of limitations of 5 years with respect to the prosecution, trial, and punishment of persons for offenses not capital. Such period of 5 years was established by the existing section 10 of the act of September 1, 1954, in lieu of a period of 3 years contained in section 3282 of title 18 of the United States Code prior to the enactment of the act of September 1, 1954. The new section 12 retains in the act of September 1, 1954, as amended by this bill, the provisions to the same effect as the existing section 10 of such act in order to make it clear that nothing contained in this bill shall change or otherwise affect, or be construed, to change or otherwise affect, the existing 5-year statute of limitations, contained in section 3282 of title 18 of the United States Code, with respect to offenses not capital, and that nothing contained in this bill shall change or otherwise affect the application of this 5-year statute of limitations as originally stated in the existing section 10(b) of the act of September 1, 1954, and as restated to the same effect in section 12(b) of such act, as amended by this bill.

In summary, the purpose of the new section 12 is to continue in effect the amendment made by section 10 of the act of September 1, 1954, relating to the 5-year statute of limitations for criminal offenses

which are not capital offenses, notwithstanding the amendment proposed to be made to such act by the first section of the introduced bill.

The form of the new section 12 is based on the request of the Department of Justice that the purpose of continuing the amendment made by section 10 of the act of September 1, 1954, be effected by the insertion of appropriate language in the amendment made by the first section of the introduced bill. Since the statute in question is a criminal statute and proceedings thereunder are in the jurisdiction of the Department of Justice, this request of the Department of Justice is followed by this committee.

This concludes the explanation of the amendment made by the first section of the reported bill.

Section 2 of H.R. 6141 restores retroactively those annuity benefits which have been denied to persons convicted under present law of offenses not related to proceedings involving the national security or the loyalty of individuals. Section 2 requires repayment to the Government of any contributions or deposits which have been refunded to such persons under existing law as a condition precedent to the restoration of the annuities.

COST

The committee desires to point out, with respect to costs, that the annuity and retirement payments under this legislation in fact do not represent additional costs to the Government but, rather, represent payments of benefits which are restored by this legislation upon the basis of a determination by the Congress that such benefits previously have been improperly denied for a period of time.

AGENCY REPORTS

Reports favoring the enactment of H.R. 6141 or similar legislative proposals were transmitted to this committee by the U.S. Civil Service Commission, the Bureau of the Budget, the Department of Justice, the General Accounting Office, and the Department of the Air Force. These reports are as follows:

REPORT OF THE U.S. CIVIL SERVICE COMMISSION

U.S. Civil Service Commission,
Washington, D.C., June 2, 1961.

Hon. Tom Murray,
Chairman, Committee on Post Office and Civil Service,
House of Representatives,
Old House Office Building.

Dear Mr. Murray: This refers further to your request for Commission report on H.R. 6141, a bill to amend the act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such act, and for other purposes. This report is also applicable to H.R. 112, H.R. 1033, and H.R. 6286, similar bills.

The act of September 1, 1954 (better known as Public Law 769 of the 83d Cong.), as amended, probibits the payment of Federal annuity

or retired pay in cases of civilian employees or military personnal who are convicted of certain criminal offenses or who commit certain offenses which in effect constitute a breach of faith in matters involving their official duties.

Section 1 of the law lists various Federal crimes, conviction of any one of which bars annuity payments. Annuity is also forfeited by anyone under indictment for one of the listed crimes who, after July 31, 1956, willfully remains outside U.S. jurisdiction for over 1 year to avoid prosecution.

Section 2 of the law bars annuity for failure to appear, testify, or produce records, or for false or fraudulent statements, involving governmental matters—some with national security aspects, others with none. Section 2 has been held unconstitutional in part; the U.S. Court of Claims decided (*Steinberg* v. *United States*, 163 F. Supp. 590; *DeMayo* v. *United States; Smith* v. *United States*) that invocation of the fifth amendment to avoid self-incrimination is not a proper ground for denial of retirement or survivor annuities. In the basic *Steinberg* case, the court stated, "Congress in prescribing a punishment for persons who exercised a constitutional right has acted beyond the scope of the Constitution. * * * Section 2(a) of Public Law 769 * * * must not stand as a bar to plaintiff's annuity."

Public Law 769 does not destroy the annuity payment right if both the offense or conviction and the award of annuity occurred before September 1, 1954, but an annuity awarded on or after that date may not be paid regardless of the date the offense or conviction may have occurred. Where annuity is denied, a refund of the individual's contributions, with interest, may be paid. If an individual denied annuity for conviction of a listed crime receives a Presidential pardon, the right to annuity payments is restored prospectively.

While Public Law 769 has affected all retirement plans for Federal and District of Columbia employees—including among others the systems for Foreign Service and military personnel, and the social security system as it relates to Federal employees—the Commission in administering the Civil Service Retirement Act has probably been more involved than any other agency in its application.

In keeping with its responsibility, the Commission from time to time furnished the Post Office and Civil Service Committees of the House and Senate with detailed summaries of annuity claims denied under the Retirement Act as a result of Public Law 769. These summaries gave the factual circumstances in each case and showed the present value of annuity lost in comparison with the refund of contributions and interest payable in lieu of annuity.

The experience disclosed by Commission summaries, along with reports received from other sources, had by the beginning of the 85th Congress generated a feeling in Congress that the broad provisions of Public Law 769 had gone beyond the main original purpose, had produced inequities, and should be revaluated. Under a law designed primarily to prevent Federal annuities or retired pay to disloyal persons or subversives, many individuals had lost valuable annuities for offenses unrelated to national security.

The bulk of annuity denials under the Retirement Act were for convictions of offenses against the postal laws; in these and many other nonsecurity convictions where the court had imposed minimum penalties (a fine with suspended sentence, suspended sentence only, or the defendant placed on probation) the added punishment of loss

of annuity produced unduly harsh results. In a number of cases the offense causing denial of annuity had occurred 25 years before passage of Public Law 769. Losses of annuity extended also to innocent widows and children, in some cases simply because the husband or parent had committed an offense having nothing at all to do with loyalty or national security.

During the 85th Congress a draft bill to revise Public Law 769 was prepared by the Office of the House Legislative Counsel in collaboration with staff officials of the Commission. Technical assistance, to care for needs under the laws they administer, was secured from the Department of Defense, the Department of Health, Education, and Welfare, and the Railroad Retirement Board, and suggestions by the Department of Justice were sought and incorporated.

The resulting draft proposed amending Public Law 769 in its entirety to (1) limit its application to matters involving the national security, (2) retroactively remove the bar to annuity and retired pay for postal depredations and similar nonsecurity offenses, and (3) extend the bar to a limited number of loyalty offenses provided for by laws enacted after September 1, 1954.

The Commission offered this proposal as a substitute for bills in the 85th Congress which sought the repeal of Public Law 769 but no action resulted in that Congress. Early in the 86th Congress, the Commission resubmitted the draft measure (with minor clarifying changes) with recommendation for enactment. It was embodied in three bills, one of which, H.R. 4601, was passed by the House April 14, 1959. H.R. 4601 remained pending on the Senate Calendar until May 12, 1960, on which date it was debated and referred to the Senate Committee on Post Office and Civil Service. By Report No. 1544 of June 10, 1960, the committee reported H.R. 4601 back to the Senate without amendment and with recommendation for prompt and favorable consideration. However, H.R. 4601 was not again taken up in the 86th Congress.

H.R. 6141 is identical to H.R. 4601 as it was reported back to the Senate June 10, 1960. Thus, much of the material appearing in Senate Report No. 1544, copy enclosed, is adaptable to the current bills. The sectional analysis it contains applies to each of the bills, as does exhibit 1 of the report. Exhibit 4 of the report, together with the enclosed reports of annuities denied since May 1960, summarize all claims denied under the Retirement Act during the period September 1, 1954, through February 1961, with notations showing awards already restored (by pardon, court decision, and administrative reappraisal) and those which would and would not be restored by enactment of the proposal embodied in these bills. The overall effect of such enactment would be as follows:

Claims denied initially under Public Law 769	213
Claims later allowed:	
(*a*) By Presidential pardon	28
(*b*) By Court of Claims decision	3
(*c*) By reappraisal of evidence	5
Subtotal	36
Claims currently denied	177
Claims which would remain denied after enactment of proposal	12
Claims which would be allowed upon enactment of proposal	165

U.S. CIVIL SERVICE COMMISSION, BUREAU OF RETIREMENT AND INSURANCE

Summary of annuity claimed denied under Public Law 769

FINAL—MAY 1960

Claim No. CSA	Agency in which last employed	Position	Service		Description of offense	Date of offense	Date of final separation	Reason for final separation	Sentence of the court (as reported by agency)				Present value of annuity denied by Public Law 769	Approximate refund due		Annuity		H.R. 112 would remove bar to payment	Bar to payment already removed by—			Not affected by H.R. 112; denied Communist party membership
			Years	Months					Date	Fine	Prison	Years of probation		Paid	Unpaid	Monthly	Accrued to Feb. 28, 1961		Presidential pardon	Court of Claims decision	Reappraisal of evidence	
596-368	Air Force	Stock control clerk.	22	2	Charged with misappropriation of postal funds under 35 Stat. 1133, revised Mer. 4, 1909 (now title 18, U.S.C., sec. 1711). Removed by Post Office Department on Feb. 24, 1923. Reemployed intermittently from Feb. 4, 1942, to date of retirement.	Jan. 25, 1923	July 31, 1959	Retirement	Jan. 24, 1924		6 months		$18,000	$2,824.98		$133	$2,527	X				
426164	Veterans' Administration.	Medical technician.	30	9	While serving in U.S. Army charged with stealing and selling narcotics. Indicted and found guilty of violation of title 18, U.S.C., sec. 82, theft of Government property. (Employed in Federal civilian service from Feb. 1, 1938, to July 31, 1956.)	Prior to Nov. 3, 1937	July 31, 1956	Disability retirement.	Nov. 3, 1937	(1)	(1)	(1)	[2] 6,709						X			
545183	Post Office Department.	Carrier	17	2	Chargad with theft of mail in violation of title 18, U.S.C., sec. 1703.	Oct. 29, 1958	Nov. 29, 1958	Removal	Dec. 10, 1959	$300	Suspended	2	23,000	3,312.07		126	3,402	X				
613964	do	Clerk	19	8	Charged with embezzlement of postal funds in violation of title 18, U.S.O., sec. 1711.	Prior to July 29, 1959.	Aug. 14, 1959	do	July 29, 1959			3	20,000		$4,846.49	137	2,466	X				

JUNE 1960

627732	Post Office	Postmaster	30	4	Charged with embezzlement in violation of title 18, U.S.O., sec. 1709.	Prior to Sept. 16, 1959.	Sept. 25, 1959	Removal	Jan. 23, 1960		Suspended	3	$20,000	$3,870.98		$148	$2,516	X				
580983	do	Clerk	35	5	Charged with 4 counts of embezzlement in violetion of title 18, U.S.O., sec. 1709.	Prior to Nov. 19, 1958.	Dec. 15, 1958	do	Jan. 30, 1950		2 years on each of 2 counts to run concurrently.		42,000		$7,107.80	251	6,869	X				

JULY 1960

618439	Post Office	Carrier	29	10	Charged with theft and rifling of mail in violation of title 18, U.S.C., sec. 1709.		May 17, 1951	Removal	Apr. 20, 1951		5 months		$12,000		$2,444.52	$84	$588	X				

AUGUST 1960

623074	Post Office Department.	Carrier	30	1	Charged with embezzlement in violation of title 18, U.S.C., sec. 1711.	Prior to Nov. 23, 1954.	Nov. 23, 1954	Removal	Dec. 31, 1954		Suspended	2	$23,000	$4,242.40		$168	$1,512	X				
620980	Agriculture	Administrative assistant.	15	0	Charged with conspiracy to defraud the United States by corruptly administering the affairs of the Federal Land Bank at St. Peul, Minn., in violation of title 18, U.S.C., sec. 88. Knowingly mede frandulent statements or representations in a matter within the jurisdiction of the Federal Land Bank of St. Paul, a corporation, in which the United States wes a stockbolder. For this latter offense he was cherged with violation of title 18, U.S.C., sec. 80, on each of 9 counts.	Prior to Aug. 1, 1947.	Aug. 1, 1947	Reduction in force.	Jan. 14, 1949	$1,000.00	6 months		7,000		$1,281.43	35	1,917	X				

SEPTEMBER 1960

624504	Post Office	Money order supervisor.	27	9	Charged with embezzling and converting to his own use $250 in postal funds in violation of title 18, U.S.C., sec. 355 (now sec. 1711).	Mar. 15, 1943, to June 15, 1944.	July 15, 1945	Removal	June 15, 1945		Suspended	[3] 3	$18,000	$2,911.83		$110	$5,410	X				

OCTOBER 1960

617941	Treasury Department.	Guard	18	9	In executing Standard Form 57, Application for Federal Employment, dated Dec. 10, 1948, fraudulently concealed past membership in the Communist Party, Omahe, Nebr., during the middle 1930's.	Dec. 10, 1948	Dec. 14, 1954	Resignation					$13,000	[4] $460.00	$2,235.00	$92	$460					X
630907	Post Office	Mail handler	25	4	Charged with stealing letter mail in violation of title 18, U.S.C., sec. 1709.	Prior to Oct. 17, 1949.	Nov. 15, 1949	Removal	Dec. 5, 1949		Suspended	1	14,000	3,002.41		104	936	X				

NOVEMBER 1960

645706	Post Office	Carriar	21	0	Charged with embezzlement of lettor mail in violation of title 18, U.S.C., sec. 318 (now sec. 1709).	Sept. 19, 1945	Oct. 12, 1945	Removed	Oct. 15, 1945		Suspended	2	$1,700	$1,498.87	$446.67	$13	$194	X				
388604	Navy	Machinist	21	11	In 1947, in furnishing information on Standard Form 84: "Request for Report on Loyalty Data" failed to show membersbip in Communist Party and thereby concealed material fact with respect to membership in, or affillation with, the Communist Perty. In answer to interrogatory of the Navy Department in January 1954, denied membership in Communist Party and made false statement in this respect.		Aug. 4, 1954	Removal					25,000		3,728.47	150	9,935					X

MONTH OF DECEMBER 1960

618270	Post Office Department.	Postmaster	30	1	Charged with converting to personal uso postal funds amounting to $167.19 in violation of title 18, U.S.C., sec. 1711.	Prior to Dec. 16, 1959.	Jan. 31, 1960	Optional retirement.	Oct. 28, 1960	$167.19		1	$23,000.00	$1,309.00 in annuity	$643.08	$119	$238	X				
649835	do	Clark	17	0	Charged with theft of letter mail in violation of title 18, U.S.C., sec 1709.	Prior to Dec. 7, 1948.	Dec. 7, 1948	Removel	Feb. 11, 1949		Suspended	3	11,000.00		2,747.76	81	491	X				
541954	do	Carrier	19	11	Charged with embezzlement of letters (2 counts) in violation of title 18, U.S.C., sec. 1703.	Aug. 2, 1950, and Aug. 3, 1950.	Sept. 30, 1950	do	Apr. 26, 1951		1 year and 1 day		[5] 2,486.40						X			

MONTH OF JANUARY 1961

649207	Post Office Department.	Rural carrier	14	11	Charged with embezzlement, falsifying official records and secreting mail matter in violation of title 18, U.S.C., secs. 189, 318, and 355 (now 1706, 1709, and 1711).	About July 1, 1943, to Jan. 4, 1944.	Mar. 31, 1944	Removed	May 24, 1944		[6] 1 year and 1 day on each of 6 counts to run concurrently.		$2,800.00	$523.75 227.09		$18	$724	X				

FEBRUARY 1901

653599	Department of the Army.	Storekeeper	20	6	Charged with stealing and delaying lettor mail in violation of title 18, U.S.C., sec. 318 (now sec. 1709). Removed by Post Office Department on Oct. 15 1937. Reemployed May 17, 1943.	Prior to Sept. 3, 1937.	Jan. 3, 1944	Removed [8]	Nov. 5, 1937 June 8, 1939 [7]		Suspended 18 months.	[7] 4	$1,100	$1,333.71 51.67		$0	$34	X				
639009	Naval Weapons Plant.	Toolroom attendant.	20	6	Charged with theft of letter mail in violation of title 18, U.S.C., sec. 318 (now sec. 1709). Removed by Post Office Department on June 17, 1936. Reemployed June 25, 1942.	Prior to June 4, 1936.	Jan. 31, 1961	Disability retirement.	July 24, 1936		3 months		[8] 1,038						X			
619123	Post Office Department.	Cerrier	21	10	Misappropriation of Government funds in violetion of title 18, U.S.C., secs. 2 and 1711.	December 1950 and January 1960.	Mar. 25, 1960	Removal	May 17, 1960		Suspended	1 year	36,000	485.00	$4,602.35	155	1,860	X				
228128	Veterans' Administration.	Contact representative.	27	8	While an employee with a Veterans' Administration hospitel defrauded petient of $200 in violation of title 18, U.S.C., sec. 654.	Prior to Apr. 28, 1949.	Apr. 28, 1949	do	May 31, 1950			[9]	20,000	710.53		146	4,575	X				
631532	Department of the Army.	Laborer	18	10	While an employee of the Rock Island Arsenal cberged witb theft of Government property in violetion of title 18, U.S.C., sec. 100. Discharged from Federal employment June 27, 1942. (Reployed Aug. 31, 1943-Feb. 23, 1946, and from Aug. 19, 1947).	Prior to June 9, 1942.	May 31, 1960	Retirement	June 9, 1942	$300.00		3	15,000	1,044.00	2,435.54	130	1,170	X				
657528	Post Office Department.	Truckdriver	31	3	Removal from letter drop—ordinary letter containing $7.42 in currency and coin. Charged witb theft of mail in violation of title 18 U.S.C., sec. 1709.	Feb. 12, 1960	Feb. 12, 1960	Removal	Mar. 16, 1960		Suspended	2	47,000		6,560.80	231	2,911	X				

[1] Imposition of sentence suspended for 3 years upon condition defendent will not violete any criminal laws of the United States or State in which he may reside and be of uniform good behavior.
[2] Annuity from Aug. 1, 1956, to Dec. 31, 1959; pardoned Dec. 23, 1959.
[3] Probation terminated July 3, 1947.
[4] Annuity paid from May 1, 1960, to Sept. 30, 1960.
[5] Annuity from Aug. 16, 1958, through Oct. 12, 1060. Presidential pardon Oct. 13, 1960.
[6] Failure to indicate previous arrests on application for employment.
[7] Violated probetion.
[8] Annuity denied June 23, 1960–Jan. 17, 1061, inclusive. Presidential pardon Jan. 18, 1001.
[9] 1 year and 1 dey served in prison from July 12, 1050, to Nov. 4, 1950—parolod.

The Commission's position with respect to revision of Public Law 769 remains substantially as expressed in its report of May 19, 1960, contained in Senate Report No. 1544.

The Commission has agreed, and still agrees, that violations of law and other offenses involving the national security should abrogate any obligation on the part of the United States to pay annuity or retired pay based on the service of the offenders. We firmly believe, however, that the limitations should generally stop there.

With respect to the provisions of Public Law 769 which bar annuity payment because of lesser offenses, such as the postal depredation variety, the Commission is convinced revision is warranted. We want to make it clear that we do not condone any of the criminal actions which now result in denial of annuity. Neither do we think such crimes should go unpunished.

However, the existing criminal laws already provide for punishment consisting of a fine, or imprisonment, or both. The court, having heard all the evidence, appraises the seriousness of the crime and the degree of culpability of the perpetrator, and in its discretion imposes sentence. It does not appear proper to us that an additional civil penalty, consisting of a forfeiture of annuity which has a value ranging upward to amounts exceeding $50,000, should then be imposed.

We wish to emphasize that revision of Public Law 769 as proposed in these bills will not affect or alter existing procedure whereby the United States may recover by deduction from annuities any fines imposed and not paid or any amounts owing the Government by reason of the criminal acts of the individuals involved.

The Commission strongly recommends that the proposal embodied in H.R. 6141 be enacted into law.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

JOHN W. MACY, Jr., *Chairman.*

Enclosure 2114.

REPORT OF THE BUREAU OF THE BUDGET

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 2, 1961.

Hon. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMAN: This will acknowledge your letter of April 13, 1961, regarding H.R. 6141 (H.R. 112, H.R. 1033, and H.R. 6286, identical or similar bills), to modify the so-called Hiss law.

In reply, you are advised that enactment of this legislation would be consistent with the administration's objectives.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

REPORT OF THE DEPARTMENT OF JUSTICE

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., June 15, 1961.

Hon. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of June 14 in which you asked for the views of the Department of Justice as to whether the amendment of Public Law 769 of the 83d Congress (the "Hiss Act") by H.R. 6141 would strengthen the provisions of the act which deny annuities and retired pay to persons convicted of national security offenses.

It is the view of the Department of Justice that the bill would, by clarifying existing law and by specifying additional provisions of law relating to security and loyalty the violation of which would be covered by the act, materially strengthen Public Law 769 in denying retirement pay to those who have committed offenses detrimental to national security.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

BYRON R. WHITE,
Deputy Attorney General.

REPORT OF THE GENERAL ACCOUNTING OFFICE

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, April 25, 1961.

B–115505.

Hon. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service,
House of Representatives.

DEAR MR. CHAIRMAN: Your letter of April 13, 1961, acknowledged April 14, requests our views on H.R. 6141.

The bill would amend the act of September 1, 1954, as amended (5 U.S.C. 2281–2288), so as to remove therefrom those provisions which prohibit payment of annuities and retired pay to persons who have committed offenses, acts, or omissions which do not involve the security of the United States; also there would be added to the coverage of the statute, certain offenses relating to the security of the United States including offenses of that nature under the Uniform Code of Military Justice.

Section 2(a) of the bill would provide for the restoration of annuities or retired pay (retroactive to September 1, 1954, the effective date of the statute) to persons who would have had the right to receive such annuities or retired pay if the act of September 1, 1954, had not been enacted, unless, under the restatement of such act, the payment of such annuities or retired pay is still prohibited.

We understand that under the present law retired pay or annuities have been denied in numerous cases because of convictions of offenses primarily dealing with embezzlements and with theft or rifling of the

mails. In some cases the employees involved were reemployed in the Government service subsequent to their conviction and have rendered faithful service for many years. Many members of the Armed Forces are tried by courts-martial and given appropriate punishment such as reprimands or small fines for minor infractions of the rules. The conviction by court-martial of a member of the uniformed services under the Uniform Code of Military Justice of an offense which is of a civil nature and is punishable by death or by confinement exceeding 1 year is a conviction of a felony under the laws of the United States within the meaning of section 1 of the act of September 1, 1954. The duration of the sentence of confinement actually imposed or served is immaterial. See attached copy of our decision of January 4, 1961, R–144649, and the decisions there cited.

It is fairly evident that Public Law 769 (83d Cong.) has created inequities which were not intended or foreseen at the time of the enactment of this statute. The bill, H.R. 6141, would correct such inequities but still leave intact the provisions prohibiting the payment of annuities or retired pay in cases involving treason, espionage, sabotage, sedition, and subversive activities. We favor enactment of the proposed legislation.

In our reports to your committee dated February 1, 1961, B–115505, on H.R. 112 and H.R. 1033, 87th Congress, the provisions of which are substantially the same as those contained in H.R. 6141, we suggested that consideration be given to amending those bills to provide that refund of deposits made under the Uniformed Services Contingency Option Act of 1953 (10 U.S.C. 1438), would be governed by the provisions of title 10, United States Code, section 2771, where applicable. It is noted that H.R. 6141 makes such provision.

As a technical matter, the word "person" appearing in line 4, page 11 of H.R. 6141, apparently should read "period."

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, January 4, 1961:

B–144649.

Maj. JOHN A. RAPP,
Disbursing Officer
(Through Commandant, Headquarters, U.S. Marine Corps).

DEAR MAJOR RAPP: By first endorsement dated December 14, 1960, the Commandant of the Marine Corps forwarded here your letter of December 14, 1960, with enclosures, requesting a decision whether CWO Joseph M. Wray, Jr., O10011, U.S. Marine Corps, retired, is precluded from entitlement to retired pay by reason of the provisions of the act of September 1, 1954 (68 Stat. 1142), in view of his conviction by general court-martial on June 30, 1952, of violation of article 121 of the Uniform Code of Military Justice. The request for decision was assigned submission No. DO–MC–547 by the Department of Defense Military Pay and Allowance Committee.

It is reported that one of the specifications for violation of article 121 was that the member, while on duty at Headquarters Squadron, U.S. Marine Corps Air Station, El Toro, Calif., "did, at said air station, on or about December 7, 1951, steal currency of the United States of America, of a value of $500, the property of the Marine Corps Exchange at the said air station" and that at that time the member was assistant exchange officer of the exchange from which the currency was stolen. It is further reported that the member was transferred to the retired list on September 1, 1954, under section 6 of the act of February 21, 1946 (34 U.S.C. 410(b) (1952 ed.)); that his request for retirement "effective on or about September 1, 1954," was approved by the Secretary of the Navy on June 21, 1954, and that he has been paid retirement pay from September 1, 1954, through November 30, 1960.

Section 1 of the act of September 1, 1954 (68 Stat. 1142, 5 U.S.C. 2282), provides in part as follows:

"* * * That there shall not be paid to any person convicted prior to, on, or after the date of enactment of this Act of any of the following offenses described in this section, or to the survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or the date of enactment of this Act, whichever is later, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government.

* * * * * * *

"(2) Any offense (not including any offense within the purview of section 13 of title 18 of the United States Code) which is a felony under the laws of the United States or of the District of Columbia (A) commited in the exercise of his authority, influence, power, or privileges as an officer or employee of the Government * * *."

Clause (3) of section 6 of the 1954 law provides that the term "retired pay" does not include the retired pay of any person to whom any such pay has been awarded or granted prior to September 1, 1954, insofar as concerns the conviction of such persons, prior to such date, of any offense specified in the first section of the act, or the commission by any such person, prior to such date, of any violation of section 2 of the act.

The conviction by court-martial of a member of the uniformed services under the Uniform Code of Military Justice of an offense which is of a civil nature and is punishable by death or by confinement exceeding 1 year is a conviction of a felony under the laws of the United States within the meaning of the above-quoted portion of the act of September 1, 1954. The duration of the sentence to confinement actually imposed or served is immaterial. (See 35 Comp. Gen. 302; B–127022, May 11, 1956, B–137010, October 16, 1958, B–125744, July 30, 1959.) Paragraph 127*c* of the Manual for Courts-Martial (1951 ed.) provides a maximum confinement of not to exceed 5 years for the violation of article 121 of the Uniform Code of Military Justice. Section 22–2201 of the District of Columbia Code (1951 ed.) provides that whoever shall feloniously take and carry away anything of the value of $50 (now $100), including things savoring of the realty, shall suffer imprisonment "for not less than one nor more than ten years." It follows that the offense for which the member was convicted must be regarded as a felony within the meaning of that term as used in clause 2 of section 1 of the act of September 1, 1954. The

character of the offense is not affected by the fact that the funds involved were nonappropriated funds belonging to the Marine Corps Exchange. Also, since your letter indicates that at the time of the offense the member was assigned as the assistant exchange officer of the exchange from which the currency was stolen, we find no basis for concluding that the offense was not committed in the exercise of his "authority, influence, power, or privileges as an officer or employee of the Government."

Your letter suggests an additional question as to whether payment of retired pay is barred because the prohibition contained in the 1954 act does not apply in the case of offenses of the nature here involved where the retired pay "has been awarded or granted prior to the date of enactment of this Act." As indicated above, the member requested retirement to be effective on or about September 1, 1954, and retirement on the date mentioned was approved by the Secretary of the Navy on June 21, 1954. Secretarial approval of retirement effective on a particular date, however, does not give the member concerned any vested right to retired pay prior to that effective date. The purpose of the exclusion of retired pay awarded or granted prior to the date of enactment of the 1954 act from the prohibition features of the act is explained in House Report No. 2488 to accompany H.R. 9909, 83d Congress, 2d session. (See U.S. Code Congressional and Administrative News, p. 3910.) In referring to this particular feature of the bill, the report states that "It will not cut off retired pay or annuities which already are vested rights on the date of enactment; that is, annuities or retired pay which presently are being received by annuitants or retired persons or their survivors." It must be concluded, therefore, that retired pay accruing incident to a retirement approved prior to but effective on or after the date of the act is within the prohibition provisions of the act.

Accordingly, we must reach the conclusion that, under the law as it now is, payment of retired pay to Chief Warrant Officer Wray is not authorized.

Very truly yours,

FRANK H. WEITZEL,
Assistant Comptroller General of the United States.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, February 1, 1961.

B-115505.

Hon. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service,
House of Representatives.

DEAR MR. CHAIRMAN: Your letter of January 5, 1961, acknowledged January 9, requests our views on H.R. 112.

The bill would amend the act of September 1, 1954, as amended (5 U.S.C. 2281–2288), so as to remove therefrom those provisions which prohibit payment of annuities and retired pay to persons who have committed offenses, acts, or omissions which do not involve the security of the United States; also, there would be added to the coverage of the statute, certain offenses relating to the security of the United States including offenses of that nature under the Uniform Code of Military Justice.

Section 2(a) of the bill would provide for the restoration of annuities or retired pay (retroactive to September 1, 1954, the effective date of the statute) to persons who would have had the right to receive such annuities or retired pay if the act of September 1, 1954, had not been enacted, unless, under the restatement of such act, the payment of such annuities or retired pay is still prohibited.

We understand that under the present law annuities or retired pay in numerous cases have been denied because of convictions of offenses primarily dealing with embezzlements and with theft or rifling of the mails. In some cases the employees involved were reemployed in the Government service subsequent to their conviction and have rendered faithful service for many years. Many members of the Armed Forces are tried by courts-martial and given appropriate punishment such as reprimands or small fines for minor infractions of the rules. The conviction by court-martial of a member of the uniformed services under the Uniform Code of Military Justice of an offense which is of a civil nature and is punishable by death or by confinement exceeding 1 year is a conviction of a felony under the laws of the United States within the meaning of section 1 of the act of September 1, 1954. The duration of the sentence to confinement actually imposed or served is immaterial. See attached copy of our decision of January 4, 1961, B–144649, and the decisions there cited.

It is fairly evident that Public Law 769 has created inequities which were not intended or foreseen at the time of the enactment of the statute. The bill, H.R. 112, would correct such inequities but still leave intact the provisions prohibiting the payment of annuities or retired pay in cases involving treason, espionage, sabotage, sedition, and subversive activities. In the circumstances we favor enactment of the proposed legislation.

It will be noted that under the provisions of section 5(b) of the bill (pp. 15 and 16), deposits made under the Uniformed Services Contingency Option Act of 1953 (10 U.S.C. 1438) (to provide the eligible beneficiary of a member of the uniformed services with an annuity), would be refundable in accordance with section 4(a). Section 4(a) provides, among other things (at pp. 13 and 14), that where no designation has been made by the deceased person to receive the refund, the order of precedence prescribed in section 11(c) of the Civil Service Retirement Act (5 U.S.C. 2261(c)) will govern. Since the deposits in question are contingent on the member's entitlement to retired or retainer pay, and in order to avoid any ambiquity that might arise in the future, the committee may wish to give consideration to including a reference to title 10, United States Code, section 2771, the order of precendence prescribed in the settlement of accounts of deceased members of the Armed Forces. This we believe could be accomplished by placing a comma after title 5, United States Code, section 2261(c) on page 14, line 4 of the bill, and insert the following "or 10 U.S.C. 2771 as applicable."

The provisions of H.R. 112 are substantially identical with those contained in H.R. 4601, 86th Congress, which passed the House of Representatives on April 14, 1959. H.R. 4601 was the subject of our report of May 18, 1960, B–115505, to the chairman, Committee on Post Office and Civil Service, U.S. Senate. We favored the enactment of H.R. 4601.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

REPORT OF THE DEPARTMENT OF THE AIR FORCE

DEPARTMENT OF THE AIR FORCE,
Washington, June 14, 1961.

Hon. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H.R. 1033, 87th Congress, a bill to amend the act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such act, and for other purposes. The Secretary of Defense has delegated to the Department of the Air Force the responsibility for expressing the views of the Department of Defense.

The purpose of the bill is generally as stated in the title: "To amend the Act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such Act, and for other purposes".

The Department of the Air Force, on behalf of the Department of Defense, strongly recommends the early enactment of H.R. 1033 due to the serious morale problems raised within the Department of Defense by the act of September 1, 1954, chapter 1214, as amended (5 U.S.C. 2281 et seq.), the so-called Hiss Act.

The act of September 1, 1954, supra, prohibits payment of any Federal annuity or retired pay to any person or survivor or beneficiary of such person who is convicted of an offense under that act; i.e., bribery, graft, espionage, sabotage, treason, sedition, subversive activities, as well as offenses which are felonies under the laws of the United States committed in connection with the improper exercise of the authority, influence, power, or privileges of such a person in his position as an officer or employee of the Government. The subject bill would amend that act to restrict the application to cases involving the national security.

The following examples will illustrate the harsh effect which the act of September 1, 1954, supra, has had and will continue to have on members of the Armed Forces unless remedial action is taken.

(*a*) Sergeant H. was convicted by a deck court on August 18, 1947. All that appears in the records reflecting this conviction are two lines in his service record:

"2nd Spec: Unauthorized use of a government vehicle.

"2nd Spec: Proved by plea."

Sergeant H., now ready to retire, finds that for his minor offense he has lost retirement pay valued at $38,922.

(*b*) Chief Warrant Officer P. was charged with several specifications. By a pretrial agreement, Chief Warrant Officer P. pled guilty on condition that the sentence approved by the convening authority would not exceed a reprimand and a forfeiture of $400. Chief Warrant Officer P. now finds that by pleading guilty he has fallen within the scope of the act of September 1, 1954, supra, and will lose retirement pay estimated to be worth over $103,000.

(*c*) The case of Sergeant K. presents another example of the harshness of the effects of this statute. In August 1959, Sergeant K. was

convicted by a summary court-martial of presenting a false claim against the United States. The value of that claim was $3. Because of that petty offense, Sergeant K. when eligible to retire will lose entitlement to retired pay of an estimated value of $69,300.

The harshness resulting from the act of September 1, 1954, supra, was never intended by the Congress. If remedial action is not taken it will undoubtedly have a drastic effect on the morale of our Armed Forces. As in the case of Chief Warrant Officer P. above, even the attorneys in the case evidently did not realize that a pleas of guilty would result in a loss of retirement pay valued at over $103,000.

In order to maintain discipline, many members of the Armed Forces are tried by courts-martial and given appropriate punishment such as reprimands or small fines for minor infractions of the rules. However, to apply the act of September 1, 1954, supra, to these cases is in our judgment a gross injustice to the man and his family.

In other more serious types of offenses, because of the youth and immaturity of the individual, the armed services seek to rehabilitate such an individual rather than to send him back to society with the stigma of a punitive discharge. To illustrate, there is the case of Sergeant Major X. Back in 1923 X., then a private, was charged with embezzlement and found guilty by general court-martial. Now, 37 years later, after outstanding service and reaching E–9, the highest enlisted grade possible in our Armed Forces, Sergeant Major X. is told that he cannot collect his retired pay because 37 years ago, in his youth and immaturity, he committed an offense for which he was found guilty.

The Department of Defense has made a survey to determine the number of persons who are denied retired pay based upon their military service because of the operation of the so-called Hiss Act but who would be entitled to that pay if H.R. 1033 is enacted. It should be noted that an accurate figure would have required an examination of individual personnel records and a legal determination as to the applicability of the so-called Hiss Act. This, of course, would have been extremely costly and time consuming. The following, however, appears from the survey:

(*a*) *Army.*—Twenty-four have been denied retired pay because of the so-called Hiss Act. All would be entitled to that pay if H.R. 1033 is enacted. It is estimated that 33 persons who retire during the 87th Congress will be similarly denied retired pay. It is the "past experience" of the Army that "1 out of every 1,000 persons retired is affected by the so-called Hiss Act in its present status."

(*b*) *Navy.*—Three have been denied retired pay because of the so-called Hiss Act. Four enlisted members were discharged instead of being transferred to the Fleet Reserve upon their completion of the service required for such transfer because of that act. All would be entitled to retired pay if H.R. 1033 is enacted. According to the Navy, "it is suspected that hundreds of cases exist wherein members may be subject to loss of retirement pay because of the Hiss Act in its present form. Other than by a manual examination of thousands of records, however, there exists no way of documenting this suspicion."

(*c*) *Marine Corps.*—Three have been denied retired pay because of the so-called Hiss Act. All would be entitled to that pay if H.R. 1033 is enacted. According to the Marine Corps, about 50 members

may become eligible for retirement during the 87th Congress but may lose their retirement benefits because of the so-called Hiss Act.

(*d*) *Air Force.*—Three have been denied retired pay because of the so-called Hiss Act. According to the Air Force, "approximately 575 Air Force members who will become eligible for retirement during the 87th Congress could be affected by * * * (the so-called Hiss Act) for offenses committed in the past."

A similar bill (H.R. 4601, 86th Cong.) passed the House of Representatives on April 14, 1959.

The so-called Hiss Act has also had an unintended effect on civilian employees of the Department of Defense. The following examples involve civilians who committed offenses while employed by the Post Office Department, but were last employed by the Department of the Air Force:

(*a*) A stock control clerk was found guilty of misappropriation of postal funds while employed by the Post Office and removed by that Department on February 24, 1923. He was reemployed intermittently from February 1942 until his retirement on July 31, 1959, after a total of 22 years and 2 months of Federal service. His retirement annuity valued at $18,000 has been denied since he was convicted and served 6 months in prison for a felony committed 36 years prior to retirement. This annuity would be restored under H.R. 1033.

(*b*) A production controller, while employed by the Post Office Department as postmaster, was charged with embezzlement in 1924 and sentenced to 2 years in prison on October 23, 1924. He was reemployed from December 17, 1942, until time of mandatory retirement on June 30, 1958. His retirement annuity, valued at $21,000, has been denied by the act of September 1, 1954, supra.

(*c*) A guard supervisor, while an employee of the Post Office Department, was charged with embezzlement of postal funds and separated on December 8, 1937. He was placed on probation for 5 years and reemployed in the Federal Government from March 16, 1938, until his retirement on December 31, 1958. His retirement annuity, valued at $32,000, has been denied by the act of September 1, 1954, supra.

In view of the harsh effect of the so-called Hiss Act and the fact that it will, as indicated above, have that effect in an increasing number of cases during the 87th Congress, the Department of Defense vigorously supports the enactment of H.R. 1033 and urges that it be given early consideration by the Congress.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

EUGENE M. ZUCKERT,
Secretary of the Air Force.

DEPARTMENT OF THE AIR FORCE,
Washington, June 14, 1961.

Hon. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service, House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H.R. 1042, 87th Congress, a bill to repeal Public Law No. 769 of the 83d Congress, entitled "An act to prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes." The Secretary of Defense has delegated to the Department of the Air Force the responsibility for expressing the views of the Department of Defense.

H.R. 1042, if enacted, would repeal Public Law 769, 83d Congress (68 Stat. 1142).

The purpose of Public Law 769, 83d Congress (68 Stat. 1142) is to prohibit payment of any Federal annuity or retired pay to any person (or survivor or beneficiary of such person) who is convicted of an offense coming within its provisions. The offenses relate to bribery, graft, claims and services in matters affecting government, contracts, espionage and censorship, offenses involving the postal service, sabotage, treason, sedition, and subversive activities, as well as offenses which are felonies under the laws of the United States or of the District Columbia committed in connection with the improper exercise of the authority, influence, power, or privileges of such a person in his position as an officer or employee of the Government. Perjury and subornation of perjury committed in connection with these offenses also forms the basis for denial of such annuities or retired pay.

Public Law 769 also prohibits such annuities or retired pay for any officer or employee who refuses on grounds of self-incrimination to appear, testify, or produce any document in a proceeding before a Federal grand jury, court of the United States, or congressional committee with respect to his past or present relationship with a foreign government; or to anyone who makes false statements or representations or who conceals any material fact with respect to his past or present membership in, affiliation or association with, or support of the Communist Party or other similar organizations, convictions of offenses described above, etc.

Public Law 769 has resulted in a serious problem and inequity and should be amended. A bill, H.R. 1033, 87th Congress, is designed to amend Public Law 769 in such a way that, inter alia, the application of the law would be restricted to persons convicted of crimes bearing upon loyalty to the United States or national security.

The Department of Defense believes that outright repeal of Public Law 769 is not desirable. It is the opinion of this Department that any Federal official, employee, or member of the Armed Forces who is convicted of disloyal or subversive acts, and whose employment in the civil service or his retention in the Armed Forces is precluded because of such acts should be denied Federal retirement and annuity benefits. Accordingly, the Department of Defense favors amendment, along the lines of H.R. 1033, rather than outright repeal of Public Law 769 and urges early consideration of amending legislation by the 87th Congress.

The enactment of H.R. 1042, 87th Congress, would result in no increase in the budgetary requirements of the Department of Defense.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

EUGENE M. ZUCKERT,
Secretary of the Air Force.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF SEPTEMBER 1, 1954, AS AMENDED

(68 Stat. 1142, 70 Stat. 761; 5 U.S.C. 2281–2288)

AN ACT To prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That there shall not be paid to any person convicted prior to, on, or after the date of enactment of this Act of any of the following offenses described in this section, or to the survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or the date of enactment of this Act, whichever is later, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government:

[(1) Any offense defined in section 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 217, 218, 219, 220, 221, 222, or 223 of chapter 11 (relating to bribery and graft), section 281, 282, 283, 284, 285, 286, or 287 of chapter 15 (relating to claims and services in matters affecting government), section 434, 435, 436, 441, 442, or 443 of chapter 23 (relating to contracts), chapter 37 (relating to espionage and censorship), section 1700, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1711, or 1712 of chapter 83 (relating to offenses involving the postal service), chapter 105 (relating to sabotage), or chapter 115 (relating to treason, sedition, and subversive activities) of title 18 of the United States Code or in section 10 or 16 of the Atomic Energy Act of 1946 (42 U.S.C., secs. 1810 and 1816);

[(2) Any offense (not including any offense within the purview of section 13 of title 18 of the United States Code) which is a felony under the laws of the United States or of the District of Columbia (A) committed in the exercise of his authority, influence, power, or privileges as an officer or employee of the Government, or (B) committed after the termination of his service as an officer or employee of the Government but directly involving, directly resulting from,

or directly relating to, the improper exercise of his authority, influence, power, or privileges during any period of his service as such an officer or employee;

[(3) Perjury committed under the laws of the United States or of the District of Columbia (A) in falsely denying the commission of an act which constitutes any of the offenses described in paragraph (1) or (2) of this section, (B) in falsely testifying before any Federal grand jury or court of the United States with respect to his service as an officer or employee of the Government, or (C) in falsely testifying before any congressional committee in connection with any matter under inquiry before such congressional committee; or subornation of perjury committed in connection with the false denial or false testimony of another person as specified in this paragraph;

[(4) Any offense defined in section 833, 861, or 862 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1325, 1330; D.C. Code, 1951 edition, secs. 22–1201, 22–701, 22–703); or in the second paragraph under the subheading "FOR EXECUTIVE OFFICE" under the caption "GENERAL EXPENSES" in the first section of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (32 Stat. 591; D.C. Code, 1951 edition, sec. 22–702).

[SEC. 2. (a) There shall not be paid to any person who has failed or refused, or fails or refuses, prior to, on, or after the date of enactment of this Act, upon the ground of self-incrimination, to appear, testify, or produce any book, paper, record, or other document, with respect to his service as an officer or employee of the Government or with respect to any relationship which he has had or has with a foreign government, in any proceeding before a Federal grand jury, court of the United States, or congressional committee, or to the survivor or beneficiary of such person, for any period subsequent to the date of such failure or refusal of such person or the date of enactment of this Act, whichever is later, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government.

[(b) There shall not be paid to any person who, prior to, on, or after the date of enactment of this Act, knowingly and willfully has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, has concealed or conceals any material fact, with respect to his—

[(1) past or present membership in, affiliation or association with, or support of the Communist Party, or any chapter, branch, or subdivision thereof, in or outside the United States, or any other organization, party, or group advocating (A) the overthrow, by force, violence, or other unconstitutional means, of the Government of the United States, (B) the establishment in the United States of a Communist totalitarian dictatorship, or (C) the right to strike against the Government of the United States;

[(2) conviction of any offense described in the first section of this Act; or

[(3) failure or refusal to appear, testify, or produce any book, paper, record, or other document as specified in subsection (a) of this section,

for any period subsequent to the date of enactment of this Act or the date on which any such statement, representation, or concealment of fact is made or occurs, whichever is later, in connection with his application for an office or position in or under the executive, legislative, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government.

[(c) In any case in which, after the date of enactment of this subsection, any person under indictment for any offense within the purview of the first section of this Act willfully remains outside the United States, its Territories, and possessions, for a period in excess of one year with knowledge of such indictment, no annuity or retired pay shall be paid, for any period subsequent to the end of such one-year period to such person or to the survivor or beneficiary of such person, on the basis of the service of such person, as an officer or employee of the Government unless and until a nolle prosequi to the entire indictment is entered upon the record or such person returns and thereafter the indictment is dismissed or after trial by court the accused is found not guilty of the offense or offenses charged in the indictment.

[SEC. 3. Any amounts contributed by any such person toward the annuity the benefits of which are denied under this Act, less any sums previously refunded or paid as annuity benefits, shall be returned to such person, upon appropriate application therefor, with interest to the date of his conviction of any offense described in the first section of this Act or of the commission by him of any violation of section 2 of this Act, as the case may be, or the date of enactment of this Act, whichever is later, at such rates as may be provided in the case of refunds under the law, regulation, or agreement under which the annuity is payable, or if no such rates are so provided at the rate of 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year. Such person shall not be required to repay any annuity properly received by him which is in excess of the amount of his own contributions with interest. In the event a person entitled to a refund under this section dies prior to the making of such refund, the refund shall be made to such person or persons as may be provided in the case of refunds under the law, regulation, or agreement under which the annuity the benefits of which are denied under this Act is payable or, if no such provision is made, in the order of preference prescribed in section 12(c) of the Civil Service Retirement Act of 1930, as amended.

[SEC. 4. The right to receive an annuity or retired pay shall be deemed restored to any person convicted, prior to, on, or after the date of enactment of this Act, of an offense which is specified in the first section of this Act or which constitutes a violation of section 2 of this Act, for which he is denied an annuity or retired pay, to whom a pardon of such offense is granted by the President of the United States, prior to, on, or after the date of enactment of this Act, and to the survivor or beneficiary of such person. Such restoration of the right to receive an annuity or retired pay shall be effective as of the date on which such pardon is granted. Any amounts refunded to such person under section 3 of this Act shall be redeposited before credit is allowed for the period or periods of service covered by the

refund. No payment of annuity or retired pay shall be made for any period prior to the date on which such pardon is granted.

[SEC. 5. No accountable officer of the Government of the United States or of the government of the District of Columbia shall be held responsible for payments made in violation of the first section or section 2 of this Act when such payments are made in due course and without negligence.

[SEC. 6. As used in this Act—

[(1) The term "officer or employee of the Government" includes an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States, a Member of or Delegate to Congress, a Resident Commissioner, an officer or employee of the government of the District of Columbia, and a member or former member of the Armed Forces of the United States, including the Regular and Reserve components thereof, the Fleet Reserve, the Fleet Marine Corps Reserve, the Coast and Geodetic Survey, and the Public Health Service.

[(2) The term "annuity" means any retirement benefit (other than any benefit provided under laws administered by the Veterans' Administration) payable by any department or agency of the Government of the United States or the government of the District of Columbia upon the basis of service as a civilian officer or employee, except that such term does not include salary or compensation which may not be diminished under section 1 of article III of the Constitution or, in the case of a benefit payable under the Social Security Act, as amended, any portion of such benefit not based upon service as an officer or employee of the Government of the United States or the government of the District of Columbia. The term "annuity" does not include any retirement benefit of any person to whom such benefit has been awarded or granted prior to the date of enactment of this Act insofar as concerns the conviction of such person, prior to such date, of any offense specified in the first section of this Act, or the commission by such person, prior to such date, of any violation of section 2 of this Act.

[(3) The term "retired pay" means retired pay, retirement pay, retainer pay, or equivalent pay (other than any benefit provided under laws administered by the Veterans' Administration), payable under any law of the United States to members or former members of the Armed Forces of the United States, including the Regular and Reserve components thereof and the Fleet Reserve and the Fleet Marine Corps Reserve, the Coast and Geodetic Survey, and the Public Health Service. The term "retired pay" does not include the retired pay, retirement pay, retainer pay, or equivalent pay of any person to whom any such pay has been awarded or granted prior to the date of enactment of this Act insofar as concerns the conviction of such person, prior to such date, of any offense specified in the first section of this Act, or the commission by such person, prior to such date, of any violation of section 2 of this Act.

[SEC. 7. This Act shall not be construed as restricting authority under any other provision of law to deny or withhold benefits authorized by law.

[SEC. 8. The President may drop from the rolls any member of the Armed Forces, including the Regular and Reserve components thereof, the Fleet Reserve, and the Fleet Marine Corps Reserve, and any

member of the Coast and Geodetic Survey or of the Public Health Service, who is deprived of retired pay under the provisions of this Act.

[SEC. 9. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

[SEC. 10 (a) Section 3282 of title 18 of the United States Code is amended by striking out "three" and inserting in lieu thereof "five".

[(b) The amendment made by subsection (a) shall be effective with respect to offenses (1) committed on or after the date of enactment of this Act, or (2) committed prior to such date, if on such date prosecution therefor is not barred by provisions of law in effect prior to such date.]

That (a) there shall not be paid to any person convicted, prior to, on, or after September 1, 1954, under any article or provision of law specified or described in this subsection, of any offense within the purview of such article or provision to the extent provided in this subsection, or to any survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or subsequent to September 1, 1954, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay—

(1) any offense within the purview of—

(A) section 792 (harboring or concealing persons), 793 (gathering, transmitting, or losing defense information), 794 (gathering or delivering defense information to aid foreign government), or 798 (disclosure of classified information), of chapter 37 (relating to espionage and censorship) of title 18 of the United States Code,

(B) chapter 105 (relating to sabotage) of title 18 of the United States Code,

(C) section 2381 (treason), 2382 (misprision of treason), 2383 (rebellion or insurrection), 2384 (seditious conspiracy), 2385 (advocating overthrow of government), 2387 (activities affecting armed forces generally), 2388 (activities affecting armed forces during war), 2389 (recruiting for service against United States), or 2390 (enlistment to serve against United States), of chapter 115 (relating to treason, sedition, and subversive activities) of title 18 of the United States Code,

(D) section 10(b)(2), 10(b)(3), or 10(b)(4) of the Atomic Energy Act of 1946 (60 Stat. 766, 767; 42 U.S.C., 1952 edition, sec. 1810(b) (2), (3) and (4)), as in effect prior to the enactment of the Atomic Energy Act of 1954 by the Act of August 30, 1954 (68 Stat. 919; Public Law 703, Eighty-third Congress; 42 U.S.C. 2011–2281),

(E) section 16(a) or 16(b) of the Atomic Energy Act of 1946 (60 Stat. 773; 42 U.S.C., 1952 edition, sec. 1816 (a) and (b)) as in effect prior to the enactment of the Atomic Energy Act of 1954 by the Act of August 30, 1954, insofar as such offense under such section 16(a) or 16(b) is committed with intent to injure the United States or with intent to secure an advantage to any foreign nation, or

(F) any prior provision of law on which any provision of law specified in subparagraph (A), (B), or (C) of this paragraph is based;

(2) any offense within the purview of—

(A) article 104 (aiding the enemy) or article 106 (spies) of the Uniform Code of Military Justice (chapter 47 of title 10 of the United States Code) or any prior article on which such article 104 or article 106, as the case may be, is based, or

(B) any current article of the Uniform Code of Military Justice (or any prior article on which such current article is based) not specified or described in subparagraph (A) of this paragraph on the basis of charges and specifications describing a violation of any provision of law specified or described in paragraph (1), (3), or (4) of this subsection if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defendant dies before execution of such sentence as finally approved;

(3) perjury committed under the laws of the United States or of the District of Columbia—

(A) in falsely denying the commission of an act which constitutes any of the offenses—

(i) within the purview of any provision of law specified or described in paragrapy (1) of this subsection, or

(ii) within the purview of any article or provision of law specified or described in paragraph (2) of this subsection insofar as such offense is within the purview of any article or provision of law specified or described in paragraph (1) or paragraph (2)(A) of this subsection,

(B) in falsely testifying before any Federal grand jury, court of the United States, or court-martial with respect to his service as an officer or employee of the Government in connection with any matter involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States, or

(C) in falsely testifying before any congressional committee in connection with any matter under inquiry before such congressional committee involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States; and

(4) subornation of perjury committed in connection with the false denial or false testimony of another person as specified in paragaph (3) of this subsection.

(b) There shall not be paid to any person convicted, prior to, on, or after the date of enactment of this amendment, under any article or provision of law specified or described in this subsection, of any offense within the purview of such article or provision to the extent provided in this subsection, or to any survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or subsequent to the date of enactment of this amendment, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay—

(1) any offense within the purview of—

(A) section 222 (violation of specific sections) or section 223 (violation of sections generally) of the Atomic Energy Act of 1954 (68 Stat. 958; 42 U.S.C. 2272 and 2273) insofar as such offense under such section 222 or 223 is committed with intent to injure the United States or with intent to secure an advantage to any foreign nation,

(B) section 224 (communication of restricted data), section 225 (receipt of restricted data), or section 226 (tampering with restricted data) of the Atomic Energy Act of 1954 (68 Stat. 958 and 959; 42 U.S.C. 2274, 2275, and 2276), or

(C) section 4 (conspiracy and communication or receipt of classified information), section 112 (conspiracy or evasion of apprehension during internal security emergency), or section 113 (aiding evasion of apprehension during internal security emergency) of the Internal Security Act of 1950 (64 Stat. 991, 1029, and 1030; 50 U.S.C. 783, 822, and 823);

(2) any offense within the purview of any current article of the Uniform Code of Military Justice (chapter 47 of title 10 of the United States Code), or any prior article on which such current article is based, on the basis of charges and specifications describing a violation of any provision of law specified or described in paragraph (1), (3), or (4) of this subsection, if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defendant dies before execution of such sentence as finally approved;

(3) perjury committed under the laws of the United States or of the District of Columbia in falsely denying the commission of an act which constitutes any of the offenses within the purview of any provision of law specified or described in paragraph (1) of this subsection; and

(4) subornation of perjury committed in connection with the false denial of another person as specified in paragraph (3) of this subsection.

Sec. 2. (a) There shall not be paid to any person who, prior to, on, or after September 1, 1954, has refused or refuses, or knowingly and willfully has failed or fails, to appear, testify or produce any book, paper, record, or other document, relating to his service as an officer or employee of the Government, before a Federal grand jury, court of the United States, court-martial, or congressional committee, in any proceeding with respect to—

(1) any relationship which he has had or has with a foreign government, or

(2) any matter involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States,

or to the survivor or beneficiary of such person, for any period subsequent to September 1, 1954, or subsequent to the date of such failure or refusal of such person, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

(b) There shall not be paid to any person who, prior to, on, or after September 1, 1954, knowingly and willfully, has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, knowingly and willfully, has concealed or conceals any material fact, with respect to his—

(1) past or present membership in, affiliation or association with, or support of the Communist Party, or any chapter, branch, or subdivision thereof, in or outside the United States, or any other organization, party, or group advocating (A) the overthrow, by force, violence, or other unconstitutional means, of the Government of the United States, (B) the establishment, by force, violence, or other unconstitutional means, of a Communist totalitarian dictatorship in the United States, or (C) the right to strike against the Government of the United States,

(2) conviction, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or

(3) failure or refusal to appear, and testify, or produce any book, paper, record, or other document, as specified in subsection (a) of this section,

for any period subsequent to September 1, 1954, or subsequent to the date on which any such statement, representation, or concealment of fact is made or occurs, whichever date is later, in any document executed by such person in connection with his employment in, or application for, a civilian or military office or position in or under the legislative, executive, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

(c) There shall not be paid to any person who, prior to, on, or after the date of enactment of this amendment, knowingly and willfully, has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, knowingly and willfully, has concealed or conceals any material fact, with respect to his conviction, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, for any period subsequent to the date of enactment of this amendment or subsequent to the date on which any such statement, representation, or concealment of fact is made or occurs, whichever date is later, in any document executed by such person in connection with his employment in, or application for, a civilian or military office or position in or under the legislative, executive, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

SEC. 3. There shall not be paid to any person—

(1) who (A) after July 31, 1956, is under indictment, or has oustatnding against him charges preferred under the Uniform Code of Military Justice, for any offense within the purview of subsection (a) of the first section of this Act, or (B) after the date of enactment

of this amendment, is under indictment, or has outstanding against him charges preferred under the Uniform Code of Military Justice, for any offense within the purview of subsection (b) of such first section, and

(2) who willfully remains outside the United States, its Territories and possessions, and the Commonwealth of Puerto Rico for a period in excess of one year with knowledge of such indictment or charges, as the case may be,

for any period subsequent to the end of such one-year period, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay, unless and until—

(i) a nolle prosequi to the entire indictment is entered upon the record, or such charges have been dismissed by competent authority, as the case may be,

(ii) Such person returns and thereafter the indictment, or charges, is or are dismissed, or

(iii) after trial by court or court-martial, as applicable, the accused is found not guilty of the offense or offenses referred to in paragraph (1) of this section.

SEC. 4. (a) In the case of—

(1) the conviction of any person, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by any person of any violation of subsection (a) or (b) of section 2 of this Act, or

(2) the conviction of any person, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by any person of any violation of subsection (c) of section 2 of this Act,

any amounts (not including employment taxes) contributed by such person toward an annuity the benefits of which are denied under this Act (less any amounts previously refunded or previously paid as annuity benefits) shall be refunded, upon appropriate application therefor—

(A) to such person,

(B) if such person is deceased, to such other person or persons as may be designated to receive funds by or under the law, regulation, or agreement under which the annuity (the benefits of which are denied under this Act) would have been payable, or

(C) if there is no such designation, in the order of precedence prescribed in section 11(c) of the Civil Service Retirement Act (70 Stat. 755; 5 U.S.C. 2261(c)) or section 2771 of title 10 of the United States Code, as applicable.

(b) Each refund under subsection (a) of this section shall be made with interest at such rates and for such periods as may be provided under the law, regulation, or agreement under which the annuity would have been payable. Such interest shall not be computed—

(1) if paragraph (1) of subsection (a) of this section is applicable, for any period after the date of conviction or commission of violation, as the case may be, or after September 1, 1954, whichever date is later, or

(2) if paragraph (2) of subsection (a) of this section is applicable for any period after the date of conviction or commission of violation, as the case may be, or after the date of enactment of this amendment, whichever date is later.

(c) No person whose annuity is denied under this Act shall be required to repay that part of any annuity otherwise properly paid to such person which is in excess of the aggregate amount of his own contributions toward such annuity, with applicable interest.

(d) No survivor or beneficiary of any such person shall be required to repay that part of any annuity otherwise properly paid to such person or to such survivor or beneficiary on the basis of the service of such person which is in excess of the aggregate amount of the contributions of such person toward annuity, with applicable interest.

SEC. 5. (a) No person (including an eligible beneficiary under chapter 73 of title 10 of the United States Code or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374)) to whom payment of retired pay is denied under this Act shall be required to refund to the United States any retired pay otherwise properly paid to such person or beneficiary which is paid in violation of this Act.

(b) In the case of the conviction of, or the commission of any violation by, any person to the extent provided in paragraph (1) or paragraph (2), as the case may be, of section 4(a) of this Act, any deposits made under section 1438 of chapter 73 of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374), to provide the eligible beneficiary with annuity for any period (less amounts previously paid as retired pay benefits) shall be refunded, upon appropriate application therefor, in accordance with such section 4(a), with interest as provided in section 4(b) of this Act.

SEC. 6. (a) The right to receive an annuity or retired pay shall be deemed restored to any person convicted, prior to, on, or after September 1, 1954, of an offense which is within the purview of the first section of this Act or which constitutes a violation of section 2 of this Act, for which he is denied under this Act an annuity or retired pay, to whom a pardon of such offense is granted by the President of the United States, prior to, on, or after September 1, 1954, and to the survivor or beneficiary of such person. Such restoration of the right to receive an annuity or retired pay shall be effective as of the date on which such pardon is granted. Any amounts refunded to such person under section 4 or section 5(b) of this Act shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made, by virtue of such pardon, for any period prior to the date on which such pardon is granted.

(b) The President is authorized to restore, effective as of such date as he may prescribe, the right to receive an annuity or retired pay to any person who is denied, prior to, on, or after September 1, 1954, an annuity or retired pay under section 2 of this Act, and to the survivor or beneficiary of such person. Any amounts refunded to such person under section 4 or section 5(b) of this Act shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made, by virtue of such restoration of

annuity or retired pay by the President under this subsection, for any period prior to the effective date of such restoration of annuity or retired pay.

(c) The right to receive an annuity or retired pay shall not be denied because of any conviction of an offense which is within the purview of the first section of this Act or which constitutes a violation of section 2 of this Act, in any case in which it is established by satisfactory evidence that such conviction or violation resulted from proper compliance with orders issued, in a confidential relationship, by a department, agency, establishment, or other authority of any branch of the Government of the United States or of the government of the District of Columbia.

SEC. 7. No accountable officer or employee of the Government shall be held responsible for any payment made in violation of any provision of this Act if such payment is made in due course and without fraud, collusion, or gross negligence.

SEC. 8. (a) The President may—

(1) drop from the rolls any member of the armed forces, and any member of the Coast and Geodetic Survey or of the Public Health Service, who is deprived of retired pay under the provisions of this Act, and

(2)(A) restore to any person so dropped from the rolls to whom retired pay is restored by reason of any provision of or change in this Act (including the provisions of section 2 of the Act which enacts this clause), his military status, and (B) restore to him and his beneficiaries all rights and privileges of which he or they were deprived by reason of his name having been dropped from the rolls.

(b) If the person so restored was a commissioned officer he may be reappointed by the President alone to the grade and position on the retired list which he held at the time his name was dropped from the rolls.

SEC. 9. This Act shall not be construed to restrict any authority under any other provision of law to deny or withhold benefits authorized by law.

SEC. 10. As used in this Act—

(1) the term "officer or employee of the Government" includes—

(A) an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States;

(B) a Member of, Delegate to, or Resident Commissioner in, the Congress of the United States;

(C) an officer or employee of the government of the District of Columbia; and

(D) a member or former member of the armed forces, the Coast and Geodetic Survey, or the Public Health Service.

(2) the term "annuity" means any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act and any monthly annuity under section 2 or section 5 of the Railroad Retirement Act of 1937) payable by any department or agency of the Government of the United States or the government of the District of Columbia upon the basis of service as a civilian officer or employee of the Government and any other service which is creditable to an officer or employee of the Government toward such benefit under the law, regulation, or agreement providing such benefit, except that—

(A) the term "annuity" does not include any benefit provided under laws administered by the Veterans' Administration;

(B) the term "annuity" does not include salary or compensation which may not be diminished under section 1 of Article III of the Constitution of the United States;

(C) the term "annuity" does not include, in the case of a benefit payable under title II of the Social Security Act, so much of such benefit as would be payable without taking into account (for any of the purposes of such title II, including determinations of periods of disability under section 216(i)) any remuneration for service as an officer or employee of the Government;

(D) the term "annuity" does not include any monthly annuity awarded under section 2 or section 5 of the Railroad Retirement Act of 1937 prior to the date of enactment of this amendment (whether or not computed under section 3(e) of such Act) and, in the case of any annuity awarded under such section 2 or 5 on or subsequent to the date of enactment of this amendment, does not include so much of such annuity as would be payable without taking into account any military service creditable under section 4 of such Act;

(E) the term "annuity" does not include any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act) of any person to whom such benefit has been awarded or granted prior to September 1, 1954, or of the survivor or beneficiary of such person, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (a) or (b) of section 2 of this Act; and

(F) the term "annuity" does not include any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act) of any person to whom such benefit has been awarded or granted prior to the date of enactment of this amendment, or of the survivor or beneficiary of such person, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (c) of section 2 of this Act.

(3) the term "retired pay" means retired pay, retirement pay, retainer pay, or equivalent pay, payable under any law of the United States to members or former members of the armed forces, the Coast and Geodetic Survey, and the Public Health Service, and any annuity payable to an eligible beneficiary of any such member or former member under chapter 73 (annuities based on retired or retainer pay) of title 10 of the United States Code, or under section 5

of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374), except that—

(A) the term "retired pay" does not include any benefit provided under laws administered by the Veterans' Administration;

(B) the term "retired pay", as applicable to retired pay, retirement pay, retainer pay, and equivalent pay, does not include any such pay of any person to whom such pay has been awarded or granted prior to September 1, 1954, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (a) or (b) of section 2 of this Act;

(C) the term "retired pay", as applicable to retired pay, retirement pay, retainer pay, or equivalent pay, does not include any such pay of any person to whom such pay has been awarded or granted prior to the date of enactment of this amendment insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (c) of section 2 of this Act; and

(D) the term "retired pay", as applicable to an annuity payable to the eligible beneficiary of any person under chapter 73 of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374), does not include any such annuity of any such beneficiary if such annuity has been awarded or granted to such beneficiary, or if retired pay has been awarded or granted to such person, prior to the date of enactment of this amendment insofar as concerns—

(i) the conviction, prior to such date, of the person on the basis of whose service such annuity is awarded or granted, under any article or provision of law specified or described in the first section of this Act, of any offense within the purview of such first section to the extent specified in such section, or

(ii) the commission by such person, prior to such date, of any violation of section 2 of this Act.

(4) the term "armed forces" shall have the meaning provided for such term by title 10 of the United States Code.

Sec. 11. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 12 (a) Section 3282 of title 18 of the United States Code is amended by striking out "three" and inserting in lieu thereof "five".

(b) The amendment made by subsection (a) shall be effective with respect to offenses (1) committed on or after September 1, 1954, or (2) committed prior to such date, if on such date prosecution therefor is not barred by provisions of law in effect prior to such date.

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Union Calendar No. 196

87TH CONGRESS
1ST SESSION

H. R. 6141

[Report No. 541]

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 1961

Mr. MURRAY introduced the following bill; which was referred to the Committee on Post Office and Civil Service

JUNE 15, 1961

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend the Act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes", approved September 1, 1954, as amended (68 Stat. 1142, 70 Stat. 761; 5 U.S.C. 2281–2288), is amended to read as follows:

'That (a) there shall not be paid to any person con-

victed, prior to, on or after September 1, 1954, under any article or provision of law specified or described in this subsection, of any offense within the purview of such article or provision to the extent provided in this subsection, or to any survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or subsequent to September 1, 1954, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay—

"(1) any offense within the purview of—

"(A) section 792 (harboring or concealing persons), 793 (gathering, transmitting, or losing defense information), 794 (gathering or delivering defense information to aid foreign government), or 798 (disclosure of classified information), of chapter 37 (relating to espionage and censorship) of title 18 of the United States Code,

"(B) chapter 105 (relating to sabotage) of title 18 of the United States Code,

"(C) section 2381 (treason), 2382 (misprison of treason), 2383 (rebellion or insurrection), 2384 (seditious conspiracy), 2385 (advocating

overthrow of government), 2387 (activities affecting armed forces generally), 2388 (activities affecting armed forces during war), 2389 (recruiting for service against United States), or 2390 (enlistment to serve against United States), of chapter 115 (relating to treason, sedition, and subversive activities) of title 18 of the United States Code,

"(D) section 10(b)(2), 10(b)(3), or 10(b)(4) of the Atomic Energy Act of 1946 (60 Stat. 766, 767; 42 U.S.C., 1952 edition, sec. 1810 (b)(2), (3) and (4), as in effect prior to the enactment of the Atomic Energy Act of 1954 by the Act of August 30, 1954 (68 Stat. 919; Public Law 703, Eighty-third Congress; 42 U.S.C. 2011-2281),

"(E) section 16(a) or 16(b) of the Atomic Energy Act of 1946 (60 Stat. 773; 42 U.S.C., 1952 edition, sec. 1816 (a) and (b)) as in effect prior to the enactment of the Atomic Energy Act of 1954 by the Act of August 30, 1954, insofar as such offense under such section 16(a) or 16(b) is committed with intent to injure the United States or with intent to secure an advantage to any foreign nation, or

"(F) any prior provision of law on which any provision of law specified in subparagraph (A), (B), or (C) of this paragraph is based;

"(2) any offense within the purview of—

"(A) article 104 (aiding the enemy) or article 106 (spies) of the Uniform Code of Military Justice (chapter 47 of title 10 of the United States Code) or any prior article on which such article 104 or article 106, as the case may be, is based, or

"(B) any current article of the Uniform Code of Military Justice (or any prior article on which such current article is based) not specified or described in subparagraph (A) of this paragraph on the basis of charges and specifications describing a violation of any provision of law specified or described in paragraph (1), (3), or (4) of this subsection if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defendant dies before execution of such sentence as finally approved;

"(3) perjury committed under the laws of the United States or of the District of Columbia—

"(A) in falsely denying the commission of an act which constitutes any of the offenses—

"(i) within the purview of any provision

of law specified or described in paragraph (1) of this subsection, or

"(ii) within the purview of any article or provision of law specified or described in paragraph (2) of this subsection insofar as such offense is within the purview of any article or provision of law specified or described in paragraph (1) or paragraph (2) (A) of this subsection,

"(B) in falsely testifying before any Federal grand jury, court of the United States, or court-martial with respect to his service as an officer or employee of the Government in connection with any matter involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States, or

"(C) in falsely testifying before any congressional committee in connection with any matter under inquiry before such congressional committee involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States; and

"(4) subornation of perjury committed in connection with the false denial or false testimony of another person as specified in paragraph (3) of this subsection.

"(b) There shall not be paid to any person convicted, prior to, on, or after the date of enactment of this amendment, under any article or provision of law specified or described in this subsection, of any offense within the purview of such article or provision to the extent provided in this subsection, or to any survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or subsequent to the date of enactment of this amendment, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay—

"(1) any offense within the purview of—

"(A) section 222 (violation of specific sections) or section 223 (violation of sections generally of the Atomic Energy Act of 1954 (68 Stat. 958; 42 U.S.C. 2272 and 2273) insofar as such offense under such section 222 or 223 is committed with intent to injure the United States or with intent to secure an advantage to any foreign nation,

"(B) section 224 (communication of restricted

data), section 225 (receipt of restricted data), or section 226 (tampering with restricted data) of the Atomic Energy Act of 1954 (68 Stat. 958 and 959; 42 U.S.C. 2274, 2275, and 2276), or

"(C) section 4 (conspiracy and communication or receipt of classified information), section 112 (conspiracy or evasion of apprehension during internal security emergency), or section 113 (aiding evasion of apprehension during internal security emergency) of the Internal Security Act of 1950 (64 Stat. 991, 1029, and 1030; 50 U.S.C. 783, 822, and 823);

"(2) any offense within the purview of any current article of the Uniform Code of Military Justice (chapter 47 of title 10 of the United States Code), or any prior article on which such current article is based, on the basis of charges and specifications describing a violation of any provision of law specified or described in paragraph (1), (3), or (4) of this subsection, if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defendant dies before execution of such sentence as finally approved;

"(3) perjury committed under the laws of the United States or the District of Columbia in falsely

denying the commission of an act which constitutes any of the offenses within the purview of any provision of law specified or described in paragraph (1) of this subsection; and

"(4) subornation of perjury committed in connection with the false denial of another person as specified in paragraph (3) of this subsection.

"SEC. 2. (a) There shall not be paid to any person who, prior to, on, or after September 1, 1954, has refused or refuses, or knowingly and willfully has failed or fails, to appear, testify, or produce any book, paper, record, or other document, relating to his service as an officer or employee of the Government, before a Federal grand jury, court of the United States, court-martial, or congressional committee, in any proceeding with respect to—

"(1) any relationship which he has had or has with a foreign government, or

"(2) any matter involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States, or to the survivor or beneficiary of such person, for any period subsequent to September 1, 1954, or subsequent to the date of such failure or refusal of such person, whichever

date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

"(b) There shall not be paid to any person who, prior to, on, or after September 1, 1954, knowingly and willfully, has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, knowingly and willfully, has concealed or conceals any material fact, with respect to his—

"(1) past or present membership in, affiliation or association with, or support of the Communist Party, or any chapter, branch, or subdivision thereof, in or outside the United States, or any other organization, party, or group advocating (A) the overthrow, by force, violence, or other unconstitutional means, of the Government of the United States, (B) the establishment, by force, violence, or other unconstitutional means, of a Communist totalitarian dictatorship in the United States, or (C) the right to strike against the Government of the United States,

"(2) conviction, under any article or provision of law specified or described in subsection (a) of the first

section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or

"(3) failure or refusal to appear, and testify, or produce any book, paper, record, or other document, as specified in subsection (a) of this section,

for any period subsequent to September 1, 1954, or subsequent to the date on which any such statement, representation, or concealment of fact is made or occurs, whichever date is later, in any document executed by such person in connection with his employment in, or application for, a civilian or military office or position in or under the legislative, executive, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

"(c) There shall not be paid to any person who, prior to, on, or after the date of enactment of this amendment, knowingly and willfully, has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, knowingly and willfully, has concealed or conceals any material fact, with respect to his

conviction, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, for any period subsequent to the date of enactment of this amendment or subsequent to the date on which any such statement, representation, or concealment of fact is made or occurs, whichever date is later, in any document executed by such person in connection with his employment in, or application for, a civilian or military office or position in or under the legislative, executive, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

"SEC. 3. There shall not be paid to any person—

"(1) who (A) after July 31, 1956, is under indictment, or has outstanding against him charges preferred under the Uniform Code of Military Justice, for any offense within the purview of subsection (a) of the first section of this Act, or (B) after the date of enactment of this amendment, is under indictment, or has outstanding against him charges preferred under the Uniform

Code of Military Justice, for any offense within the purview of subsection (b) of such first section, and

"(2) who willfully remains outside the United States, its Territories and possessions, and the Commonwealth of Puerto Rico for a period in excess of one year with knowledge of such indictment or charges, as the case may be,

for any period subsequent to the end of such one-year period, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay, unless and until—

"(i) a nolle prosequi to the entire indictment is entered upon the record, or such charges have been dismissed by competent authority, as the case may be,

"(ii) such person returns and thereafter the indictment, or charges, is or are dismissed, or

"(iii) after trial by court or court-martial, as applicable, the accused is found not guilty of the offense or offenses referred to in paragraph (1) of this section.

"SEC. 4. (a) In the case of—

"(1) the conviction of any person, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within

the purview of such subsection (a) to the extent provided in such subsection, or the commission by any person of any violation of subsection (a) or (b) of section 2 of this Act, or

"(2) the conviction of any person, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by any person of any violation of subsection (c) of section 2 of this Act,

any amounts (not including employment taxes) contributed by such person toward an annuity the benefits of which are denied under this Act (less any amounts previously refunded or previously paid as annuity benefits) shall be refunded, upon appropriate application therefor—

"(A) to such person,

"(B) if such person is deceased, to such other person or persons as may be designated to receive refunds by or under the law, regulation, or agreement under which the annuity (the benefits of which are denied under this Act) would have been payable, or

"(C) if there is no such designation, in the order of precedence prescribed in section 11(c) of the Civil

Service Retirement Act (70 Stat. 755; 5 U.S.C. 2261(c)) or section 2771 of title 10 of the United States Code, as applicable.

"(b) Each refund under subsection (a) of this section shall be made with interest at such rates and for such periods as may be provided under the law, regulation, or agreement under which the annuity would have been payable. Such interest shall not be computed—

"(1) if paragraph (1) of subsection (a) of this section is applicable, for any period after the date of conviction or commission of violation, as the case may be, or after September 1, 1954, whichever date is later, or

"(2) if paragraph (2) of subsection (a) of this section is applicable, for any period after the date of conviction or commission of violation, as the case may be, or after the date of enactment of this amendment, whichever date is later.

"(c) No person whose annuity is denied under this Act shall be required to repay that part of any annuity otherwise properly paid to such person which is in excess of the aggregate amount of his own contributions toward such annuity, with applicable interest.

"(d) No survivor or beneficiary of any such person shall be required to repay that part of any annuity otherwise

properly paid to such person or to such survivor or beneficiary on the basis of the service of such person which is in excess of the aggregate amount of the contributions of such person toward annuity, with applicable interest.

"SEC. 5. (a) No person (including an eligible beneficiary under chapter 73 of title 10 of the United States Code or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374)) to whom payment of retired pay is denied under this Act shall be required to refund to the United States any retired pay otherwise properly paid to such person or beneficiary which is paid in violation of this Act.

"(b) In the case of the conviction of, or the commission of any violation by, any person to the extent provided in paragraph (1) or paragraph (2), as the case may be, of section 4(a) of this Act, any deposits made under section 1438 of chapter 73 of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374), to provide the eligible beneficiary with annuity for any period (less amounts previously paid as retired pay benefits) shall be refunded, upon appropriate application therefor, in accordance with such section 4(a), with interest as provided in section 4(b) of this Act.

"SEC. 6. (a) The right to receive an annuity or retired pay shall be deemed restored to any person convicted, prior to, on, or after September 1, 1954, of an offense which is within the purview of the first section of this Act or which constitutes a violation of section 2 of this Act, for which he is denied under this Act an annuity or retired pay, to whom a pardon of such offense is granted by the President of the United States, prior to, on, or after September 1, 1954, and to the survivor or beneficiary of such person. Such restoration of the right to receive an annuity or retired pay shall be effective as of the date on which such pardon is granted. Any amounts refunded to such person under section 4 or section 5 (b) of this Act shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made, by virtue of such pardon, for any period prior to the date on which such pardon is granted.

"(b) The President is authorized to restore, effective as of such date as he may prescribe, the right to receive an annuity or retired pay to any person who is denied, prior to, on, or after September 1, 1954, an annuity or retired pay under section 2 of this Act, and to the survivor or beneficiary of such person. Any amounts refunded to such person under section 4 or section 5 (b) of this Act shall be redeposited before credit is allowed for the period or periods

of service covered by the refund. No payment of annuity or retired pay shall be made, by virtue of such restoration of annuity or retired pay by the President under this subsection, for any period prior to the effective date of such restoration of annuity or retired pay.

"(c) The right to receive an annuity or retired pay shall not be denied because of any conviction of an offense which is within the purview of the first section of this Act or which constitutes a violation of section 2 of this Act, in any case in which it is established by satisfactory evidence that such conviction or violation resulted from proper compliance with orders issued, in a confidential relationship, by a department, agency, establishment, or other authority of any branch of the Government of the United States or of the government of the District of Columbia.

"SEC. 7. No accountable officer or employee of the Government shall be held responsible for any payment made in violation of any provision of this Act if such payment is made in due course and without fraud, collusion, or gross negligence.

"SEC. 8. (a) The President may—

"(1) drop from the rolls any member of the armed forces, and any member of the Coast and Geodetic Survey or of the Public Health Service, who is deprived of retired pay under the provisions of this Act, and

"(2) (A) restore to any person so dropped from the rolls to whom retired pay is restored by reason of any provision of or change in this Act (including the provisions of section 2 of the Act which enacts this clause), his military status, and (B) restore to him and his beneficiaries all rights and privileges of which he or they were deprived by reason of his name having been dropped from the rolls.

"(b) If the person restored was a commissioned officer he may be reappointed by the President alone to the grade and position on the retired list which he held at the time his name was dropped from the rolls.

"SEC. 9. This Act shall not be construed to restrict any authority under any other provision of law to deny or withhold benefits authorized by law.

"SEC. 10. As used in this Act—

"(1) the term 'officer or employee of the Government' includes—

"(A) an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States;

"(B) a Member of, Delegate to, or Resident Commissioner in, the Congress of the United States;

"(C) an officer or employee of the government of the District of Columbia; and

"(D) a member or former member of the armed forces, the Coast and Geodetic Survey, or the Public Health Service.

"(2) the term 'annuity' means any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act and any monthly annuity under section 2 or section 5 of the Railroad Retirement Act of 1937) payable by any department or agency of the Government of the United States or the government of the District of Columbia upon the basis of service as a civilian officer or employee of the Government and any other service which is creditable to an officer or employee of the Government toward such benefit under the law, regulation, or agreement providing such benefit, except that—

"(A) the term 'annuity' does not include any benefit provided under laws administered by the Veterans' Administration;

"(B) the term 'annuity' does not include salary or compensation which may not be diminished under section 1 of Article III of the Constitution of the United States;

"(C) the term 'annuity' does not include, in the case of a benefit payable under title II of the

Social Security Act, so much of such benefit as would be payable without taking into account (for any of the purposes of such title II, including determinations of periods of disability under section 216 (i)) any remuneration for service as an officer or employee of the Government;

"(D) the term 'annuity' does not include any monthly annuity awarded under section 2 or section 5 of the Railroad Retirement Act of 1937 prior to the date of enactment of this amendment (whether or not computed under section 3(e) of such Act) and, in the case of any annuity awarded under such section 2 or 5 on or subsequent to the date of enactment of this amendment, does not include so much of such annuity as would be payable without taking into account any military service creditable under section 4 of such Act;

"(E) the term 'annuity' does not include any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act) of any person to whom such benefit has been awarded or granted prior to September 1, 1954, or of the survivor or beneficiary of such person, insofar as concerns the conviction of such person, prior to such

date, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (a) or (b) of section 2 of this Act; and

"(F) the term 'annuity' does not include any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act) of any person to whom such benefit has been awarded or granted prior to the date of enactment of this amendment, or of the survivor or beneficiary of such person, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (c) of section 2 of this Act.

"(3) the term 'retired pay' means retired pay, retirement pay, retainer pay, or equivalent pay, payable

under any law of the United States to members or former members of the armed forces, the Coast and Geodetic Survey, and the Public Health Service, and any annuity payable to an eligible beneficiary of any such member or former member under chapter 73 (annuities based on retired or retainer pay) of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374), except that—

"(A) the term 'retired pay' does not include any benefit provided under laws administered by the Veterans' Administration;

"(B) the term 'retired pay', as applicable to retired pay, retirement pay, retainer pay, and equivalent pay, does not include any such pay of any person to whom such pay has been awarded or granted prior to September 1, 1954, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by such person, prior

to such date, of any violation of subsection (a) or (b) of section 2 of this Act;

"(C) the term 'retired pay', as applicable to retired pay, retirement pay, retainer pay, or equivalent pay, does not include any such pay of any person to whom such pay has been awarded or granted prior to the date of enactment of this amendment insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (c) of section 2 of this Act; and

"(D) the term 'retired pay', as applicable to an annuity payable to the eligible beneficiary of any person under chapter 73 of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C. 1952 edition, Supp. III, sec. 374), does not include any such annuity of any such beneficiary if such annuity has been awarded or granted to such beneficiary, or if retired pay has been

awarded or granted to such person, prior to the date of enactment of this amendment insofar as concerns—

"(i) the conviction, prior to such date, of the person on the basis of whose service such annuity is awarded or granted, under any article or provision of law specified or described in the first section of this Act, of any offense within the purview of such first section to the extent specified in such section, or

"(ii) the commission by such person, prior to such date, of any violation of section 2 of this Act.

"(4) the term 'armed forces' shall have the meaning provided for such term by title 10 of the United States Code.

"SEC. 11. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"SEC. 12. (a) Section 3282 of title 18 of the United States Code is amended by striking out 'three' and inserting in lieu thereof 'five'.

"(b) The amendment made by subsection (a) shall be effective with respect to offenses (1) committed on or after September 1, 1954, or (2) committed prior to such date, if on such date prosecution therefor is not barred by provisions of law in effect prior to such date."

SEC. 2. (a) Subject to subsection (b) of this section, any person, including his survivor or beneficiary, to whom annuity or retired pay is not payable under the Act of September 1, 1954, as in effect at any time prior to the date of enactment of this Act, by reason of any conviction of an offense, any commission of a violation, any refusal to answer, or any absence under indictment, or under charges, for any offense, shall be restored the right to receive such annuity or retired pay for any and all periods for which he would have had the right to receive such annuity or retired pay if the Act of September 1, 1954, had not been enacted, unless, under the amendment made by the first section of this Act, such annuity or retired pay remains nonpayable to such person, including his survivor or beneficiary.

(b) No annuity accrued or accruing, prior to, on, or after the date of enactment of this Act, on account of the restoration, by reason of the amendment made by the first section of this Act and by reason of subsection (a) of this section, of the right to receive such annuity, shall be paid

until any sum refunded under section 3 of the Act of September 1, 1954, as in effect prior to the date of enactment of such amendment, is deposited or is collected by offset against the annuity.

Union Calendar No. 196

87TH CONGRESS
1ST SESSION

H. R. 6141

[Report No. 541]

A BILL

To amend the Act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such Act, and for other purposes.

By Mr. MURRAY

APRIL 10, 1961

Referred to the Committee on Post Office and Civil Service

JUNE 15, 1961

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

7. EDUCATIONAL EXCHANGES. Began debate on S. 1154, to provide for the improvement and strengthening of the educational and cultural exchange program. pp. 10576, 10580-5

8. EDUCATION. Sen. Mundt and others urged enactment of legislation to extend the program of Federal aid to schools in Federally-impacted areas. pp. 10552-3

9. FOREIGN TRADE. Sen. Javits inserted a newspaper article, "New Policy Due on Foreign Trade," stating that "The Kennedy Administration must soon get to work on the detailed drafting of its own foreign trade policy." pp. 10556-7

10. AREA REDEVELOPMENT. Sen. Ervin inserted his statement commending the area redevelopment program. p. 10559

11. HOUSING. Sen. Sparkman commended the conference report on the housing bill and urged early consideration of the report. pp. 10596-7

Sen. Bush criticized the conference report on the housing bill and urged the Senate to reject the report and instruct the Banking and Currency Committee to report "to the floor a new housing bill which recognizes the need for fiscal prudence in domestic programs." pp. 10615-7

12. NOMINATION. Received the nomination of Robert E. Hampton to be a Civil Service Commissioner. p. 10619

13. LEGISLATIVE PROGRAM. Sen. Mansfield announced that the conference report on the housing bill, and H. R. 7677, to increase the public debt limit, will be considered today, and that S. 1154, the educational exchange bill, will be considered on Thurs. p. 10610

HOUSE

14. HOUSING; FARM LOANS. Received the conference report on S. 1922, the omnibus housing bill (H. Rept. 602), retaining the Senate amendment making lessees of farmland eligible for farm housing assistance under title V of the Housing Act of 1949. For additional items of interest to this Department, see Digest 95. pp. 10644-60, 10668

15. VETERANS' LOANS. Agreed to the Senate amendment, with an amendment by Rep. Teague, Tex., on H. R. 5723, to extend the veterans' guaranteed and direct home loan program. pp. 10620-1

16. APPROPRIATIONS. Began debate on H. R. 7851, the Defense appropriation bill. pp. 10621-43

The Appropriations Committee was granted until midnight Mon., July 10, to file a report on the D. C. appropriation bill. p. 10644

17. ATOMIC ENERGY. The Rules Committee reported a resolution for consideration of H. R. 7576, to authorize appropriations for the Atomic Energy Commission. p. 10668

18. WATER POLLUTION CONTROL. Conferees were appointed on H. R. 6441, to amend the Federal Water Pollution Control Act to provide for a more effective program of water pollution control. Senate conferees have already been appointed. pp. 10643-4

19. RECLAMATION. Rep. Aspinall discussed the Federal reclamation programs and said, "Reclamation farms are more than twice as productive, acre for acre, as other farms." pp. 10662-5

20. PUBLIC DEBT. Reps. Dominick and Battin criticized the proposal to raise the public debt limit. pp. 10666-7

21. PERSONNEL. ~~The Post Office and Civil Service Committee reported with amendments H. R. 2555, to provide for allotment and advancement of pay with respect to civilian employees of the U. S. in cases of emergency evacuation in oversea areas (H. Rept. 584). p. 10668~~

The Rules Committee reported a resolution for consideration of H. R. 6141, to amend the act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the U. S. p. 10668

22. WATERSHEDS. The Agriculture Committee voted to report with amendments (but did not actually report) H. R. 3462, to amend the Watershed Protection and Flood Prevention Act to permit certain new organizations to sponsor works of improvement thereunder. p. D511

23. GRAPES AND PLUMS. The Agriculture Committee voted to report (but did not actually report) H. R. 6253, to permit exemption of certain grapes and plums from the act of September 2, 1960, requiring standards for exported grapes and plums. p. D511

24. EDUCATION. The Education and Labor Committee "Met in executive session and ordered a clean bill introduced in the House in lieu of H. R. 6774, to extend and improve the National Defense Education Act." p. D511

25. DELAWARE RIVER BASIN. The Rules Committee granted a rule for the consideration of H. J. Res. 225, to grant the consent of Congress to the Delaware River Basin Compact. p. D512

26. LEGISLATIVE PROGRAM. Rep. McCormack announced that the conference report on the housing bill will be considered today, June 28, and probably H. R. 7678, to amend the Tariff Act of 1930 to provide for the free importation of wild animals and wild birds which are intended for exhibition in the U. S. (p. 10660). Agreed to consider the D. C. appropriation bill Wed., July 12 (p. 10641).

ITEMS IN APPENDIX

27. ELECTRIFICATION. Extension of remarks of Rep. Van Zandt inserting an editorial, "Public Power Advocates Wedge Into A-Energy Field." pp. A4830-2

28. RESEARCH. Extension of remarks of Sen. Anderson inserting two articles favoring expansion and development of saline water conversion programs. pp. A4832-3

29. SOCIAL SECURITY. Extension of remarks of Rep. Marshall inserting an article, "Social Security Gives Farm People Independence," and stating that it is an interesting study on the attitude of farmers toward social security. pp. A4836-7

30. BUDGET; PUBLIC DEBT. Speech in the House by Rep. Udall during debate on the bill to increase the public debt limit. pp. A4842-4

31. PERSONNEL. Extension of remarks of Rep. Daddario commending and inserting a review of Dr. Earl Lindveit's book, "Scientists in Government." p. A4845

87TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
1st Session } { No. 600

CONSIDERATION OF H.R. 6141

JUNE 27, 1961.—Referred to the House Calendar and ordered to be printed

Mr. TRIMBLE, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 361]

The Committee on Rules, having had under consideration House Resolution 361, report the same to the House with the recommendation that the resolution do pass.

House Calendar No. 88

87TH CONGRESS
1ST SESSION

H. RES. 361

[Report No. 600]

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 1961

Mr. TRIMBLE, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

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RESOLUTION

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6141) to amend the Act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such Act, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Com-

mittee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

House Calendar No. 88

87TH CONGRESS
1ST SESSION

H. RES. 361

[Report No. 600]

RESOLUTION

Providing for the consideration of H.R. 6141, a bill to amend the Act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such Act, and for other purposes.

By Mr. TRIMBLE

JUNE 27, 1961

Referred to the House Calendar and ordered to be printed

HOUSE

12. APPROPRIATIONS. The "Daily Digest" states, "Conferees met in executive session to resolve the differences between the Senate- and House-passed versions of H. R. 7444, fiscal 1962 appropriations for the Department of Agriculture, and related agencies, but did not reach final agreement, and will meet again on Friday, July 14." p. D553

13. PERSONNEL. Concluded debate on H. R. 6141, to amend the act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to Federal personnel. There is to be a roll call vote on this bill today, July 12. pp. 11381-8

14. EDUCATION. The Education and Labor Committee submitted part 2 of its report (H. Rept. 674) H. R. 7904, to extend and improve the National Defense Education Act . p. 11390

15. EMPLOYMENT. The General Subcommittee on Labor of the Education and Labor Committee voted to report to the full committee H. R. 7536, to authorize pilot training and employment programs for youths including on-the-job and other appropriate training, local public service programs, and conservation programs. p. D552

16. RECREATION; WATER. The Subcommittee on Flood Control of the Public Works Committee voted to report to the full committee H. R. 2299, to authorize the Secretary of the Army to modify certain leases entered into for the provision of recreation facilities in reservoir areas. p. D552

17. LEGISLATIVE PROGRAM. Rep. McCormack announced that the conference report on H. R. 6441, to provide for a more effective program of water pollution control, will be considered on Thurs., July 13. p. 11381

ITEMS IN APPENDIX

18. AGRICULTURAL LAW. Extension of remarks of Sen. Burdick inserting an article, "The Agricultural Law Research Program at the University of North Dakota School of Law." pp. A5154-5

19. WATER POLLUTION. Extension of remarks of Rep. Dingell inserting an article, "A Stronger Attack on Pollution," and saying "it is very satisfying to know that Congress has at last taken a first step toward bringing water pollution under control." p. A5172

BILLS INTRODUCED

20. SOIL BANK. H. R. 8073, by Rep. Breeding, to authorize the Secretary of Agriculture to extend conservation reserve contracts; to Agriculture Committee.

21. PERSONNEL. H. R. 8082, by Rep. Joelson, to provide for recognition of Federal employee unions and to provide procedures for the adjustment of grievances; to Post Office and Civil Service Committee.

22. FORESTRY. S. 2235, by Sen. Bennett, to establish Cedar Breaks National Monument as Cedar Breaks National Park; to Interior and Insular Affairs Committee. Remarks of author. pp. 11394-5

COMMITTEE HEARINGS ANNOUNCEMENTS:
July 12: Farm bill, S. Agriculture (exec) and H. Agriculture (exec).
Foreign aid bill, S. Foreign Relations (exec) and H. Foreign Affairs (exec).
July 14: Proposed water resources bill, S. Interior (Secretary Freeman to testify).

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House of Representatives

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

These words of Psalm 56: 11 with which General Montgomery closed an address to his men during the Normandy campaign in World War II: *In God have I put my trust; I will not be afraid what man can do unto me.*

Almighty God, as we begin each new day may we put our trust in Thee and focus our minds and hearts upon those horizons which are far beyond all fear and foreboding, all anxiety and anguish.

Give us those inner moral and spiritual certainties and composures which are the priceless possession of all who have found that Thou art their refuge and strength, a very present help in time of trouble.

Inspire us to feel that it is our deepest need and highest joy to enshrine Thy spirit and to have Thy divine guidance in our lives and in all our human affairs.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

DEFENSE EDUCATION ACT

Mr. HIESTAND. Mr. Speaker, in view of the absence from the city of a good many Members, we were unable to get signatures on a minority report on the Defense Education Act. I ask unanimous consent that members of the committee may have until midnight tonight to file additional minority views on that bill.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

ADDITIONAL PROGRAM FOR THIS WEEK

Mr. HALLECK. Mr. Speaker, I wonder if the gentleman from Tennessee would yield briefly in order that I may inquire of the majority leader as to the program.

Mr. MURRAY. I shall be pleased to yield to the majority leader.

Mr. McCORMACK. I am glad my friend asked that question.

In addition to what is already on the program for this week I want to announce so the Members may be alerted that the water pollution conference report will come up on Thursday next.

Mr. HALLECK. I thank the gentleman.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS—PERMISSION TO FILE REPORT

Mr. ASPINALL. Mr. Speaker, I ask unanimous consent that the Committee on Interior and Insular Affairs may have until midnight tonight to file a report on the bill H.R. 2206.

The SPEAKER. Is there objection to the request of the gentleman from Colorado?

There was no objection.

FOREIGN AID

(Mr. PASSMAN asked and was given permission to address the House for 1 minute.)

Mr. PASSMAN. Mr. Speaker, I have been asked by members of the Foreign Operations Subcommittee of the Committee on Appropriations as to when we would start the regular schedule of detailed hearings on the aid money bill. In that connection, I think I should say that if the administration, through manipulation and the substituting of imagination for facts, or by other means, should succeed in getting the type of authorization being sought, there would not be a great deal of need for detailed hearings on the part of our committee. So, we will have to wait for further developments before we can prepare the schedule of hearings or even prepare ourselves for conducting the hearings, which if the proposed authorization is approved would, in fact, be somewhat of a mockery of budgetary procedure and the orderly appropriations process.

OUTER MONGOLIA AND RED CHINA

(Mr. HOSMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOSMER. Mr. Speaker, shortly after President Kennedy's return from his European jaunt, we heard an agreement was made with Mr. Macmillan for the admission of Red China into the United Nations and possibly its recognition by the United States. And that Mr. Kennedy had indicated to Mr. Macmillan that "it would take about a year to prepare the American people." Within the last few days we have heard of moves by the administration to obtain the recognition of Outer Mongolia on the basis that it is needed for a listening post, among other things. If the CIA and the other Government intelligence agencies cannot get information out of there, there is something wrong and something ought to be done to improve them. The answer to the intelligence problem is not in recognizing Outer Mongolia. On the other hand such recognition would establish a precedent to use the same specious arguments, for admission of its neighbor, Red China, to the U.N. and possibly diplomatic recognition.

In other words, this has the appearance of a two-step procedure, "to prepare the American people" in order to carry out the secret Kennedy-Macmillan agreement, if, indeed, there was one. I think the American people are entitled to object to it right now before any step is taken in this backward direction.

COMMITTEE ON EDUCATION AND LABOR

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor and all subcommittees thereof may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

FORFEITURE OF FEDERAL RETIREMENT BENEFITS IN CASES OF OFFENSES INVOLVING THE NATIONAL SECURITY

Mr. TRIMBLE. Mr. Speaker, by direction of the Committee on Rules, I call

up the resolution, House Resolution 361, and ask for its immediate consideration.

The Clerk read the resolution as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6141) to amend the Act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such Act, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Post Office and Civil Service, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. TRIMBLE. Mr. Speaker, I yield 30 minutes to the gentleman from Ohio [Mr. BROWN], and yield myself such time as I may consume.

The SPEAKER. The gentleman from Arkansas is recognized.

(Mr. TRIMBLE asked and was given permission to revise and extend his remarks.)

Mr. TRIMBLE. Mr. Speaker, House Resolution 361 provides for the consideration of H.R. 6141, a bill to amend the act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such act, and for other purposes. The resolution provides for an open rule with 1 hour of general debate.

H.R. 6141 would continue in full force and effect the prohibitions now contained in the act of September 1, 1954 against payment of any Federal annuity or retired pay on the basis of the service of any individual who has committed an offense involving the national security of the United States.

However, the legislation would restore certain Federal retirement benefits which, under the existing provisions of the act, have been denied to a number of individuals not because of the commission of offenses involving the national security, but because of the commission of comparatively minor offenses which are in no way related to the national security.

The act of 1954, in its entirety and as now in effect, contains provisions which exceed its original purpose and have resulted in the denial of Federal retirement benefits to certain individuals and their survivors for reasons which are not related to the primary purpose of such act.

H.R. 6141 will remedy this situation by providing for the restoration of Federal retirement benefits to those who have been deprived of such benefits on account of offenses other than offenses involving the national security.

Mr. Speaker, I urge the adoption of House Resolution 361 in order that the House can consider the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BROWN. Mr. Speaker, I yield myself such time as I may use.

As the gentleman from Arkansas has well explained, this resolution makes in order, under one hour of debate and an open rule, the consideration of H.R. 6141, which is a bill to amend, and perhaps correct, some of the provisions of the so-called Hiss Act dealing with the cancellation of Government retirement pay of certain persons.

This bill would confine the loss of retirement and other benefits to those cases involving national security. It is my understanding, through the hearings held by the Rules Committee, that this measure was considered very thoroughly by the House Committee on the Post Office and Civil Service; that a great deal of testimony was taken; and a number of cases were found where injustices had been worked, even on some of our great war heroes, as a result of the present law. The Committee unanimously reported this bill favorably for the purpose of correcting the present law, yet to still protect the American people from those who engage in subversive activities and to punish them through loss of their retirement benefits.

I have no further requests for time, Mr. Speaker, and yield back the balance of my time.

Mr. TRIMBLE. Mr. Speaker, I move the previous question.

The SPEAKER. The previous question was ordered.

The resolution was agreed to.

Mr. MURRAY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6141 to amend the act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such act, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 6141 with Mr. TRIMBLE in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule the gentleman from Tennessee [Mr. MURRAY] will be recognized for 30 minutes and the gentlewoman from New York [Mrs. ST. GEORGE], for 30 minutes.

The gentleman from Tennessee is recognized.

Mr. MURRAY. Mr. Chairman, I yield myself such time as I may use.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. MURRAY. Mr. Chairman, this legislation H.R. 6141, is identical to H.R. 4601, 86th Congress, which passed the House by a voice vote on April 14, 1959, but was not acted on by the other body. This legislation was reported unanimously by the Committee on Post Office and Civil Service—as was H.R. 4601 in the last Congress—and is strongly endorsed by the U.S. Civil Service Commission, which submitted the official administration report urging enactment of H.R. 6141.

This legislation accomplishes two major purposes.

First, it continues and strengthens the prohibition against payment of any Federal retirement benefits to any person convicted of an offense against the national security, now contained in Public Law 769, 83d Congress—known as the Alger Hiss Act.

The denial of Federal retirement benefits to disloyal persons is strengthened in a number of important respects by this measure.

Section 2 of Public Law 769—the section declared unconstitutional by the U.S. Court of Claims in the case of Steinberg against United States—is replaced by a new section 2 recommended by the Department of Justice to overcome the weakness which resulted in the court's decision. The new section 2 prohibits payment of any Federal retirement benefits to a person who refuses to testify before a duly constituted judicial or congressional authority in a matter affecting the national security.

The Department of Justice informed our committee that it would be useless to petition for a writ of certiorari in the Steinberg case because such a writ undoubtedly would be denied while section 2 of Public Law 769 remains in its present state. The Department further recommended that all provisions of Public Law 769 relating to security offenses be strengthened to place the Department in a position to successfully sustain the denial of Federal retirement benefits in cases involving disloyalty and other security offenses.

These recommendations of the Department of Justice are placed in effect by language overcoming the constitutional and certain other objections raised by the Court in the Steinberg case and by replacing the remaining security provisions of Public Law 769 with far clearer, more definitive, and more accurate language spelling out the firm congressional intent that no Federal retirement benefits shall be paid to any person convicted of an offense against the national security.

For example, this bill spells out in precise detail, by specific reference to appropriate penal and related provisions, that Federal retirement benefits shall not be paid in the case of any security offense set forth in the Internal Security Act, the Atomic Energy Act of 1954, the Uniform Code of Military Justice, and the Criminal Code of the United States. It provides similar denial of benefits for security offenses covered by statutes for the same general purposes which preceded those named.

The official report of Deputy Attorney General Byron R. White on H.R. 6141, submitted on June 14, 1961, contains the following statement:

It is the view of the Department of Justice that the bill would, by clarifying existing law and by specifying additional provisions of law relating to security and loyalty the violation of which would be covered by the act, materially strengthen Public Law 769 in denying retirement pay to those who have committed offenses detrimental to national security.

When the bill that became Public Law 769 was being considered in 1954, the chief concern was to prevent payment of a civil service retirement annuity to Alger Hiss, who then was about to be released from a Federal penitentiary after serving a term for perjury in a matter involving subversive activities. It may be of interest that Alger Hiss had 17 years, 3½ months, of Federal service, and well might be eligible for an annuity when he reaches age 62 on November 11, 1966, except for this legislation. It is at best doubtful that he could be denied an annuity under existing law. To prevent such gross miscarriage of justice as payment of Federal annuities to Alger Hiss and his like, enactment of H.R. 6141 is necessary.

The second purpose of this legislation is to correct certain harsh injustices that have resulted from Public Law 769. That law contains a number of far-reaching provisions which have denied retirement benefits to individuals and innocent survivors because of comparatively minor offenses in no way related to the national security. Such provisions were not, and are not, needed to accomplish the principal purpose of denying retirement benefits in cases of offenses against the national security. In fact, they are harmful to such principal purpose because they link the innocent—as to security offenses—with the guilty by fixing the same heavy penalty for both regardless of the vast difference in measure of guilt.

H.R. 6141 eliminates these unnecessary and objectionable additional prohibitions which have nothing to do with national security and restores the rights to Federal retirement benefits previously denied thereunder. Thus, the legislation will permit payments of annuities and of retired pay in accordance with the existing laws authorizing such payments in the cases of individuals whose offenses do not involve the national security.

In summary, this legislation will carry out the primary objective of Public Law 769—that is, that no Federal annuity or retired pay shall be paid on the basis of the service of any individual guilty of a penal offense, act, or omission involving the national security—but will restore historic retirement rights in other cases which do not involve the national security.

H.R. 6141, in our judgment and that of the Department of Justice, should stand any court test since its prohibition is limited to offenses against the national security. Payment of Federal retirement benefits to offenders in such cases would be shocking to the public conscience and is diametrically opposed to the high principles on which our Government is founded.

Mr. Chairman, I strongly urge enactment of H.R. 6141 to strengthen our national security policy and to do equity to those persons who now face loss of earned retirement benefits although they have never committed an offense against the national security.

Mr. CORBETT. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, I am very happy to join the distinguished chairman of the Committee on Post Office and Civil Service in support of the bill H.R. 6141, which was unanimously approved by that committee. I believe that most of the Members of the House are familiar with this legislation which passed the House last year and was not acted upon in the Senate.

The situation which this bill will correct is as follows:

As originally designed the legislation prevented the payment of pensions or annuities to people who were guilty of acts of subversion or disloyalty to the Government of these United States, but unfortunately the language of the law was so interpreted that many persons who had committed only minor violations of the law were given what amounted to a double penalty. First, they were penalized by the court with imprisonment or fines for their acts; second, they themselves, and all their beneficiaries, suffered the additional penalty of losing their pension rights under the laws of this Government. In order to prevent the double punishment this bill has been introduced and we hope will pass here today. At the same time the bill does make clear, and in all respects does place more stringent restrictions, against paying pensions to people who have been guilty of disloyalty to the Government. Consequently, we can very definitely recommend its prompt passage.

Mr. Chairman, I think it is well to point out another thing that the constitutional argument that some people not entirely informed might raise against this bill is entirely clarified by the fact that a person who has paid money into the fund will get that money back.

Nothing in this legislation would prevent a person who is deprived of a pension from the United States from getting back the money that they themselves paid in. What it does prevent is that individual who is guilty of subversion from getting additional funds paid into the retirement fund by the Government itself.

Mr. Chairman, I certainly can recommend this bill to the Committee and to the whole House, and I hope that it is passed. I hope also that the Senate will act upon it promptly.

(Mr. CORBETT asked and was given permission to revise and extend his remarks.)

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. CORBETT. I would be very happy to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, I want to join the gentleman in the statement he has made in behalf of this bill. I am sure the gentleman will recall that when this bill was considered in the Committee on Post Office and Civil Service in 1954 we had some very serious reservations concerning the implications of it. Those defects have now been corrected.

Mr. Chairman, I hope that this bill will be passed by the House.

Mr. CORBETT. I thank the gentleman for that statement, and for pointing out to the Members of the House that he and I, who are usually so wrong, were right for once.

Mr. MURRAY. Mr. Chairman, I yield such time as he may desire to the gentleman from Georgia [Mr. JAMES C. DAVIS].

(Mr. JAMES C. DAVIS asked and was given permission to revise and extend his remarks.)

Mr. JAMES C. DAVIS. Mr. Chairman, the purpose and the general effect of this legislation have been most ably explained by the distinguished gentleman from Tennessee [Mr. MURRAY] and by the distinguished gentleman from Pennsylvania [Mr. CORBETT], the ranking minority member of the Post Office and Civil Service Committee. My remarks will be directed to the very great importance of the security considerations.

As chairman of the subcommittees which developed this legislation in the 87th Congress, and the identical bill in the 86th Congress, and as a member of the subcommittee that acted on the original legislation in the 83d Congress, my chief concern has been with the establishment of a firm legislative directive that no retirement benefits shall be paid on the basis of Federal service by any person convicted of an offense against the national security.

Certainly, it is repugnant to the high ethical and moral principles, and to the system of laws, on which our free society is founded that the Government of the United States ever could be placed under obligation to pay 1 cent of the taxpayers' money as retirement benefits to any person who commits an offense against the national security.

For one thing, it is to be recognized that the Federal payments of retirement benefits with which we are dealing in this legislation are largely in the nature of gratuities. The prohibition in this bill applies principally to money which otherwise would come out of the taxpayers' pockets, rather than money contributed or paid in by the persons involved.

This legislation will provide the clear and positive affirmation of national policy that we have needed and intended to establish with respect to the fundamental facts and issues which not only justify but require denial of such gratuities to traitors.

Viciously hostile policies and attitudes by foreign communistic powers constantly threaten our existence as a sovereign nation. One of their chief objectives is to infiltrate our Government with subversive influences to undermine and overthrow the Government. What conceivable grounds could there be to aid and abet these hostile purposes by permitting payment from the public treasury of gratuities in the form of retirement benefits to persons convicted of offenses that show them to be Communists or fellow travelers?

Overriding considerations of national security and public necessity require the

writing into our statute books of a firm proscription against payment at the expense of American taxpayers of retirement benefits based on service of any person whose acts or omissions endanger the security of the United States.

H.R. 6141 will accomplish this essential purpose. Nothing less will serve.

There is serious doubt that the most significant principle involved in this legislation has been given all due consideration in the interpretation and application of existing law. This principle is beyond argument—that one who accepts public office assumes all of the obligations of the office, both explicit and implicit. When one enters the service of the United States he imposes upon himself an absolute commitment of complete and unswerving loyalty—an obligation that is preemptive of all rights and benefits attached to his public service. Fulfillment of this obligation of loyalty at all times is a condition precedent to the granting of any right or benefit arising out of the office.

Breach of this high obligation and trust by an act or omission which impairs the national security abrogates from the beginning any rights of office and any obligation of the United States to grant benefits related to the office. All claims for such benefits fall with failure of complete loyalty. To permit a different result would be to strike at the very foundations of our free society and our democratic form of Government.

There is no ground, in reason or law, for a theory that the denial of benefits provided by this legislation is a form of punishment. The bill neither adds to nor changes any existing provision of law defining criminal offenses and prescribing penalties for such offenses. It merely spells out by statute what already is implicit in the law with respect to obligations attendant upon the acceptance of public office and the conditions attached to the granting of any benefits or emoluments from such office.

Nor is there substance for the proposition that the bill will deny any right without due process or will inflict punishment without prior appropriate judicial proceedings. This legislation has no effect in the nature of trial and conviction. It makes no provision for any determination that a penal offense has or has not been committed. The bill will become operative only after the fact that the offense occurred has been duly established by a trial and conviction, or otherwise by a duly constituted judicial or legislative tribunal, pursuant to other existing law.

It is to be emphasized, also, that this bill is not a mere limition on the use of appropriated moneys. It constitutes an absolute and permanent bar to payment of Federal retirement benefits under the stipulated conditions. It makes any right or claim for such benefits null and void from the beginning.

The bill operates to divest any person who comes within its bar of benefits to which he otherwise might be entitled but which he has relinquished irrevocably by breach of the first condition of his Federal service—that is, his initial agreement that he will never act against the interests of the United States and will never fail to act when it is his duty to act in support of the United States.

Mr. Chairman, I strongly concur in the unanimous recommendation of our committee that this legislation be approved by the House of Representatives.

Mr. BECKER. Mr. Chairman, will the gentleman yield?

Mr. JAMES C. DAVIS. I am happy to yield to the gentleman.

Mr. BECKER. There is one point that comes to my mind in reading this bill and the report, and understanding the people and the organizations that have approved this bill, in view of the fact that the main case that we tried to get at some years ago in this legislation was Alger Hiss, yet, Alger Hiss was not convicted of a violation of the security of the United States, he was convicted of perjury. Will that validate his pension under this act?

Mr. JAMES C. DAVIS. No, indeed. That act itself provides, and the gentleman will see in the hearings, beginning on page 3, the act itself provides that no benefits shall be payable to any person where perjury has been committed under the laws of the United States or of the District of Columbia in falsely denying the commission of an act which constitutes any of the offenses within the purview of any provision of law specified or described in paragraph 1 of this subsection. That specifically takes care of that situation.

Mr. BECKER. I might say to the gentleman, I wanted him to bring that point out. But, in the bill under that subsection, it is not quite as clear as it is in the report.

Mr. JAMES C. DAVIS. The bill is rather lengthy.

Mr. BECKER. I agree with the gentleman, but it does not bring it out as clearly in the bill that we are going to pass here as it does in the report. That is the point I have in mind.

Mr. JAMES C. DAVIS. I am convinced, after going through the hearings and after hearing from the experts on this particular legislation, that it does completely take care of the situation to which the gentleman refers.

Mr. BECKER. I thank the gentleman.

Mr. JAMES C. DAVIS. Mr. Chairman, I hope the legislation will receive the favorable consideration of this Committee and of the House.

Mr. CORBETT. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. BROYHILL].

Mr. BROYHILL. Mr. Chairman, I am happy to join with the distinguished chairman and the ranking minority member of the House Committee on Post Office and Civil Service and the gentleman from Georgia [Mr. JAMES C. DAVIS] in support of the bill H.R. 6141, amending the act of September 1, 1954, which would limit to cases involving the national security of the United States the prohibition against former employees of the Government receiving annuities or pensions. This is a noncontroversial bill. As has been pointed out, it was reported out of the Committee on Post Office and Civil Service by unanimous vote. In fact, a similar measure was approved by this body in 1959 and died for failure of action in the other body before the adjournment of the 86th Congress. It was the original intent of this act of September 1, 1954, which became Public Law 769, that we would primarily get at cases involving disloyalty or acts affecting the national security of the United States. I happened to be a member of the subcommittee of the 83d Congress that acted on this original legislation. I can assure you that the objective we primarily had in mind was to get at cases similar to the act committed by Alger Hiss. We did not intend for it to be as far reaching as it has turned out to be and to cause so much hardship to employees of the Federal Government and, for that matter, members and employees of the military services.

Let me make it clear that none of the members of the committee who support this legislation condones any misdeed by employees of the Government, regardless of how minor the offense. There are, however, other forms of punishment for these misdeeds which are administered by the courts and many administrative agencies. Having been once punished and having paid their debt to society it seems like an unreasonable hardship to work on them to take away a pension they had earned, possibly over a period of 40 years. It is really comparable to double jeopardy; it is merely compounding the punishment.

I have a couple of cases I wish to bring to your attention of employees who were punished for their misdeeds but afterward continued in the employ of the Government. One case involved a postal employee who was convicted on July 24, 1936, for obstructing and removing, as a postal service employee, letters intended to be conveyed through the Post Office. Thereafter, the man had other Govenment employment for a short period before entering on duty at the Naval Weapons Plant, from which he was retired for disability on June 23, 1960. Thus, he was employed from 1920 to 1960, or 40 years, in various Government work. Upon his retirement, he was refused a pension, although he had paid his debt for his 1936 crime by the sentence imposed at that time. He is now without any visible means of support. He is unable to work.

I have here another case involving a chief warrant officer of the Marine Corps, who was convicted in 1952 of stealing about $500 from the Marine Corps Exchange at El Toro, Calif. The court-martial fined him $750 and also 1,000 numbers in rank. Thus, he paid the penalty as any other citizen for his crime.

He retired in 1954, and received pension until his case was reviewed in 1960, at which time his pension was revoked and proceedings instituted to reclaim some $20,000 that already had been paid to him. He has been seriously ill, and has no means of support, except what his wife can bring home. He has four dependents, in addition to his wife.

In these two cases where these crimes or misdeeds were committed, the people

were convicted and paid for their misdeeds, were punished for them, but were allowed to continue to work for the Federal Government or in the military service. I maintain if any misdeed is so serious that it would bar an employee or serviceman his annuity or his pension, then he should not be permitted to work for the Federal Government or to remain in the military service. On the contrary, any employee who commits an act involving the national security of the United States or an act of disloyalty toward his country should certainly be denied his pension and by all means should not be permitted to remain in the service of the Government.

In the case of disloyalty or acts involving the national security there are provisions in the law that prohibit such persons from remaining in Government service. This legislation we are considering today continues to deny the right to annuity or pension to people who have committed crimes of that sort; so it does not weaken the original intent of the legislation whatsoever.

We hope we will have the unanimous support of this body in approving this legislation.

Mr. TRIMBLE. Mr. Chairman, I have no further requests for time.

Mr. CORBETT. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York [Mrs. ST. GEORGE].

Mrs. ST. GEORGE. Mr. Chairman, I was one of the original drafters of a bill at the time of the conviction of Alger Hiss. My opinion was then and my opinion now is that this legislation should be directed to specific cases. Unfortunately, during the drafting of the various bills and also during the hysteria on the part of many people throughout the country, we got a little bit carried away and covered far too much territory.

As a result, there are 165 cases which properly should never have come under this kind of legislation. The legislation is aimed specifically at people who have been disloyal—some have been traitors—to the United States, and on that it is perfectly obvious, as has been well said by the chairman of our committee, by the ranking member and by other speakers here today, there can be no possibility and no shadow of a doubt.

On the other hand, during the working of this law since it was passed in 1954, there have been grave, even tragic, injustices. Some of these cases have been read, and at random I just happened to pick out this one which I would like to cite to you.

A janitor at the Sacramento, Calif., Signal Depot, died in service in October 1957, leaving a widow and two small children. He had previously served from 1944 to 1947 with the Department of the Army and while so employed was arrested for theft of a package from the Herlong, Calif., post office. He was indicted, pleaded guilty, and was convicted of theft of mail. He was removed from the Federal job, and the court placed him on probation for 2 years. His probation record was good and in 1950 was rehired in the Federal service and continued so employed until death. His offense had not been serious enough to warrant imprisonment. He had paid the penalty imposed, had been rehired by the Government and served honorably for 7 years. Yet Public Law 769 operated to deny his innocent widow and children survivor annuities otherwise payable, worth $23,000.

This legislation corrects such a case, and at the same time it in no way mitigates offenses of those people who have deliberately plotted and worked for the overthrow of our Government by force or violence.

I am very sure there will be a unanimous vote of this House to pass this legislation which corrects the abuses but which imposes no further hardship, which in many ways is more than generous to the offender, in that it gives back all of his own money that he may have put into the fund. I can assure the membership of the House that is far more than would be done today in any other country of the world, this side or the other side of the Iron Curtain.

Mr. CORBETT. Mr. Chairman, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks at this point in the RECORD on the bill now pending.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN. If there are no further requests for time, the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes", approved September 1, 1954, as amended (68 Stat. 1142, 70 Stat. 761; 5 U.S.C. 2281–2288), is amended to read as follows:

"That (a) there shall not be paid to any person convicted prior to, on or after September 1, 1954, under any article or provision of law specified or described in this subsection, of any offense within the purview of such article or provision to the extent provided in this subsection, or to any survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or subsequent to September 1, 1954, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay—

"(1) any offense within the purview of—

"(A) section 792 (harboring or concealing persons), 793 (gathering, transmitting, or losing defense information), 794 (gathering or delivering defense information to aid foreign government), or 798 (disclosure of classified information), of chapter 37 (relating to espionage and censorship) of title 18 of the United States Code,

"(B) chapter 105 (relating to sabotage) of title 18 of the United States Code,

"(C) section 2381 (treason), 2382 (misprison of treason), 2383 (rebellion or insurrection), 2384 (seditious conspiracy), 2385 (advocating overthrow of government), 2387 (activities affecting armed forces generally), 2388 (activities affecting armed forces during war), 2389 (recruiting for service against United States), or 2390 (enlistment to serve against United States), of chapter 115 (relating to treason, sedition, and subversive activities) of title 18 of the United States Code,

"(D) section 10(b)(2), 10(b)(3), or 10(b)(4) of the Atomic Energy Act of 1946 (60 Stat. 766, 767; 42 U.S.C., 1952 edition, sec. 1810 (b)(2), (3) and (4), as in effect prior to the enactment of the Atomic Energy Act of 1954 by the Act of August 30, 1954 (68 Stat. 919; Public Law 703, Eighty-third Congress; 42 U.S.C. 2011–2281),

"(E) section 16(a) or 16(b) of the Atomic Energy Act of 1946 (60 Stat. 773; 42 U.S.C., 1952 edition, sec. 1816 (a) and (b)) as in effect prior to the enactment of the Atomic Energy Act of 1954 by the Act of August 30, 1954, insofar as such offense under such section 16(a) or 16(b) is committed with intent to injure the United States or with intent to secure an advantage to any foreign nation, or

"(F) any prior provision of law on which any provision of law specified in subparagraph (A), (B), or (C) of this paragraph is based;

"(2) any offense within the purview of—

"(A) article 104 (aiding the enemy) or article 106 (spies) of the Uniform Code of Military Justice (chapter 47 of title 10 of the United States Code) or any prior article on which such article 104 or article 106, as the case may be, is based, or

"(B) any current article of the Uniform Code of Military Justice (or any prior article on which such current article is based) not specified or described in subparagraph (A) of this paragraph on the basis of charges and specifications describing a violation of any provision of law specified or described in paragraph (1), (3), or (4) of this subsection if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defendant dies before execution of such sentence as finally approved;

"(3) perjury committed under the laws of the United States or of the District of Columbia—

"(A) in falsely denying the commission of an act which constitutes any of the offenses—

"(i) within the purview of any provision of law specified or described in paragraph (1) of this subsection, or

"(ii) within the purview of any article or provision of law specified or described in paragraph (2) of this subsection insofar as such offense is within the purview of any article or provision of law specified or described in paragraph (1) or paragraph (2) (A) of this subsection,

"(B) in falsely testifying before any Federal grand jury, court of the United States, or court-martial with respect to his service as an officer or employee of the Government in connection with any matter involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States, or

"(C) in falsely testifying before any congressional committee in connection with any matter under inquiry before such congressional committee involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States; and

"(4) subornation of perjury committed in connection with the false denial or false testimony of another person as specified in paragraph (3) of this subsection.

"(b) There shall not be paid to any person convicted, prior to, on, or after the date of enactment of this amendment, under any article or provision of law specified or described in this subsection, of any offense within the purview of such article or provision to the extent provided in this subsection, or to any survivor or beneficiary of such person so convicted, for any period subse-

quent to the date of such conviction or subsequent to the date of enactment of this amendment, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay—

"(1) Any offense within the purview of—

"(A) section 222 (violation of specific sections) or section 223 (violation of sections generally of the Atomic Energy Act of 1954 (68 Stat. 958; 42 U.S.C. 2272 and 2273) insofar as such offense under such section 222 or 223 is committed with intent to injure the United States or with intent to secure an advantage to any foreign nation,

"(B) section 224 (communication of restricted data), section 225 (receipt of restricted data), or section 226 (tampering with restricted data) of the Atomic Energy Act of 1954 (68 Stat. 958 and 959; 42 U.S.C. 2274, 2275, and 2276), or

"(C) section 4 (conspiracy and communication or receipt of classified information), section 112 (conspiracy or evasion of apprehension during internal security emergency), or section 113 (aiding evasion of apprehension during internal security emergency) of the Internal Security Act of 1950 (64 Stat. 991, 1029, and 1030; 50 U.S.C. 783, 822, and 823);

"(2) any offense within the purview of any current article of the Uniform Code of Military Justice (chapter 47 of title 10 of the United States Code), or any prior article on which such current article is based, on the basis of charges and specifications describing a violation of any provision of law specified or described in paragraph (1), (3), or (4) of this subsection, if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defendant dies before execution of such sentence as finally approved;

"(3) perjury committed under the laws of the United States or the District of Columbia in falsely denying the commission of an act which constitutes any of the offenses within the purview of any provision of law specified or described in paragraph (1) of this subsection; and

"(4) subornation of perjury committed in connection with the false denial of another person as specified in paragraph (3) of this subsection.

"SEC. 2. (a) There shall not be paid to any person who, prior to, on, or after September 1, 1954, has refused or refuses, or knowingly and willfully has failed or fails, to appear, testify, or produce any book, paper, record, or other document, relating to his service as an officer or employee of the Government, before a Federal grand jury, court of the United States, court-martial, or congressional committee, in any proceeding with respect to—

"(1) any relationship which he has had or has with a foreign government, or

"(2) any matter involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States,

or to the survivor or beneficiary of such person, for any period subsequent to September 1, 1954, or subsequent to the date of such failure or refusal of such person, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

"(b) There shall not be paid to any person who, prior to, on, or after September 1, 1954, knowingly and willfully, has made or makes any false, fictious, or fraudulent statement or representation, or who, prior to, on, or after such date, knowingly and willfully, has concealed or conceals any material fact, with respect to his—

"(1) past or present membership in, affiliation or association with, or support of the Communist Party, or any chapter, branch, or subdivision thereof, in or outside the United States, or any other organization, party, or group advocating (A) the overthrow, by force, violence, or other unconstitutional means, of the Government of the United States. (B) the establishment, by force, violence, or other unconstitutional means, of a Communist totalitarian dictatorship in the United States, or (C) the right to strike against the Government of the United States,

"(2) conviction, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or

"(3) failure or refusal to appear, and testify, or produce any book, paper, record, or other document, as specified in subsection (a) of this section,

for any period subsequent to September 1, 1954, or subsequent to the date on which any such statement, representation, or concealment of fact is made or occurs, whichever date is later, in any document executed by such person in connection with his employment in, or application for, a civilian or military office or position in or under the legislative, executive, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

"(c) There shall not be paid to any person who, prior to, on, or after the date of enactment of this amendment, knowingly and willfully, has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, knowingly and willfully, has concealed or conceals any material fact, with respect to his conviction, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, for any period subsequent to the date of enactment of this amendment or subsequent to the date on which any such statement, representation, or concealment of fact is made or occurs, whichever date is later, in any document executed by such person in connection with his employment in, or application for, a civilian or military office or position in or under the legislative, executive, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

"SEC. 3. There shall not be paid to any person—

"(1) who (A) after July 31, 1956, is under indictment, or has outstanding against him charges preferred under the Uniform Code of Military Justice, for any offense within the purview of subsection (a) of the first section of this Act, or (B) after the date of enactment of this amendment, is under indictment, or has outstanding against him charges preferred under the Uniform Code of Military Justice, for any offense within the purview of subsection (b) of such first section, and

"(2) who willfully remains outside the United States, its Territories and possessions, and the Commonwealth of Puerto Rico for a period in excess of one year with knowledge of such indictment or charges, as the case may be,

for any period subsequent to the end of such one-year period, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay, unless and until—

"(i) a nolle prosequi to the entire indictment is entered upon the record, or such charges have been dismissed by competent authority, as the case may be,

"(ii) such person returns and thereafter the indictment, or charges, is or are dismissed, or

"(iii) after trial by court or court-martial, as applicable, the accused is found not guilty of the offense or offenses referred to in paragraph (1) of this section.

"SEC. 4. (a) In the case of—

"(1) the conviction of any person, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by any person of any violation of subsection (a) or (b) of section 2 of this Act, or

"(2) the conviction of any person, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by any person of any violation of subsection (c) of section 2 of this Act,

any amounts (not including employment taxes) contributed by such person toward an annuity the benefits of which are denied under this Act (less any amounts previously refunded or previously paid as annuity benefits) shall be refunded, upon appropriate application therefor—

"(A) to such person,

"(B) if such person is deceased, to such other person or persons as may be designated to receive refunds by or under the law, regulation, or agreement under which the annuity (the benefits of which are denied under this Act) would have been payable, or

"(C) if there is no such designation, in the order of precedence prescribed in section 11(c) of the Civil Service Retirement Act (70 Stat. 755; 5 U.S.C. 2261(c)) or section 2771 of title 10 of the United States Code, as applicable.

"(b) Each refund under subsection (a) of this section shall be made with interest at such rates and for such periods as may be provided under the law, regulation, or agreement under which the annuity would have been payable. Such interest shall not be computed—

"(1) if paragraph (1) of subsection (a) of this section is applicable, for any period after the date of conviction or commission of violation, as the case may be, or after September 1, 1954, whichever date is later, or

"(2) if paragraph (2) of subsection (a) of this section is applicable, for any period after the date of conviction or commission of violation, as the case may be, or after the date of enactment of this amendment, whichever date is later.

"(c) No person whose annuity is denied under this Act shall be required to repay that part of any annuity otherwise properly paid to such person which is in excess of the aggregate amount of his own contributions toward such annuity, with applicable interest.

"(d) No survivor or beneficiary of any such person shall be required to repay that part of any annuity otherwise properly paid to such person or to such survivor or beneficiary on the basis of the service of such person which is in excess of the aggregate amount of the contributions of such

"(i) the conviction, prior to such date, of the person on the basis of whose service such annuity is awarded or granted, under any article or provision of law specified or described in the first section of this Act, of any offense within the purview of such first section to the extent specified in such section, or

"(ii) the commission by such person, prior to such date, of any violation of section 2 of this Act.

"(4) the term 'armed forces' shall have the meaning provided for such term by title 10 of the United States Code.

"SEC. 11. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"SEC. 12. (a) Section 3282 of title 18 of the United States Code is amended by striking out 'three' and inserting in lieu thereof 'five'.

"(b) The amendment made by subsection (a) shall be effective with respect to offenses (1) committed on or after September 1, 1954, or (2) committed prior to such date, if on such date prosecution therefore is not barred by provisions of law in effect prior to such date."

SEC. 2. (a) Subject to subsection (b) of this section, any person, including his survivor or beneficiary, to whom annuity or retired pay is not payable under the Act of September 1, 1954, as in effect at any time prior to the date of enactment of this Act, by reason of any conviction of an offense, any commission of a violation, any refusal to answer, or any absence under indictment, or under charges, for any offense, shall be restored the right to receive such annuity or retired pay for any and all periods for which he would have had the right to receive such annuity or retired pay if the Act of September 1, 1954, had not been enacted, unless, under the amendment made by the first section of this Act, such annuity or retired pay remains nonpayable to such person, including his survivor or beneficiary.

(b) No annuity accrued or accruing, prior to, on, or after the date of enactment of this Act, on account of the restoration, by reason of the amendment made by the first section of this Act and my reason of subsection (a) of this section, of the right to receive such annuity, shall be paid until any sum refunded under section 3 of the Act of September 1, 1954, as in effect prior to the date of enactment of such amendment, is deposited or is collected by offset against the annuity.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. ALBERT) having resumed the chair, Mr. TRIMBLE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 6141) to amend the act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such act, and for other purposes, pursuant to House Resolution 361, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KYL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and I make the point of order that a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that further consideration of the bill be postponed until tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts.

There was no objection.

NATIONAL LOTTERY OF ECUADOR

(Mr. FINO (at the request of Mr. HARVEY of Indiana), was given permission to extend his remarks at this point in the RECORD.)

Mr. FINO. Mr. Speaker, I would like to tell the Members of this House about the National Lottery of Ecuador. Like a number of other lotteries of Spanish-speaking nations, the Ecuadoran National Lottery exists not for the benefit of the general treasury but rather for the benefit of numerous charities.

In South America, lotteries support many hospitals, asylums, orphanages and the like that would be otherwise aided or maintained by the government. Ecuador is one of the nations in which the profits of the national lottery are directly channeled to these institutions.

In 1960, the gross receipts of Ecuador's lottery came to $3 million. One third of this money, the entire profit, was turned over immediately to charitable organizations. The bulk of the money went to assist hospitals.

We here in America could benefit immeasurably if moneys that now flow into the pockets of gangsters could be diverted into a national lottery and utilized as are the profits of many foreign lotteries.

THE LATE SENATOR GEORGE W. NORRIS

(Mr. WEAVER (at the request of Mr. HARVEY of Indiana), was given permission to extend his remarks at this point in the RECORD.)

Mr. WEAVER. Mr. Speaker, 100 years ago today there was born one of the true statesmen, one of the great fighters for liberty and justice of our times, the late Senator George W. Norris, of Nebraska. I am proud to represent the First District of Nebraska where the home of Senator Norris is located at McCook, Nebr. I am proud to represent the State which provided for America this outstanding public servant and man of vision.

The Nation owes much to Senator Norris. It was through his ability to see our country's needs, both the present and future, that these needs have been met. It is largely through his efforts, his courage, his leadership, that our country has been able to meet the challenge of the 20th century.

When George W. Norris foresaw our Nation's farm families acquiring the good things of life through electric power brought to their homes, he was accused of being a visionary. In truth, he was a man of vision. But in addition, he had those fine qualities which enable a man to translate dreams into reality. He had a practical and knowledgeable approach to the fundamental problems involved. And, most of all, he had the courage to fight against any odds—and the odds against him in many cases were tremendous—until those dreams became reality.

When George Norris foresaw arid and semiarid miles of our Western and Plains States becoming a land of abundance, he again was accused of being a visionary. But again, and still against great odds, he battled for his ideals—and again through his courageous leadership, the goal was achieved—and adds to the luster of his name.

Senator Norris was a man who fought against injustice wherever he found it. In these halls of the House of Representatives he was a leader in bringing added democracy to the proceedings of the House. He and his band of supporters were able to win only because they were willing to fight with every breath in their bodies for that victory, inspired by Senator Norris himself.

He took with him to the Senate this same spirit and same ability to gather about him loyal and courageous men who were willing to stand up for a cause and for a principle.

Mr. Speaker, I am proud to have introduced in the House two bills to commemorate George W. Norris' memory, one to change the name of the Lincoln Air Force Base to the George W. Norris Air Force Base, and the other to acquire for the Federal Government his last home and residence in McCook, Nebr., as a fitting shrine to his memory.

It was shortly after I introduced the first of these bills that I received a very touching letter from Mrs. Norris who still lives at the family home in McCook. In that letter, Mrs. Norris said in part:

> Sincerely do I thank you for your interest in having the Lincoln Air Force base renamed for my husband—it touched me deeply.

She goes on to describe her husband as one of the "brave men in the fight for the development of our vital natural resources. Just now our country needs men—like my husband."

Mr. Speaker, in these days which try men's souls—in a time when the faith of the free world in the traditions and institutions of democracy is shaken—in these days when even some of our own citizens are questioning the course our Nation is following—in times like these we do, indeed, need men like George W. Norris.

It is good for us at this time to reflect on such men who through their examples have provided the light by which to guide the footsteps of the future.

person toward annuity, with applicable interest.

"SEC. 5. (a) No person (including an eligible beneficiary under chapter 73 of title 10 of the United States Code or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374)) to whom payment of retired pay is denied under this Act shall be required to refund to the United States any retired pay otherwise properly paid to such person or beneficiary which is paid in violation of this Act.

"(b) In the case of the conviction of, or the commission of any violation by, any person to the extent provided in paragraph (1) or paragraph (2), as the case may be, of section 4(a) of this Act, any deposits made under section 1438 of chapter 73 of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374), to provide the eligible beneficiary with annuity for any period (less amounts previously paid as retired pay benefits) shall be refunded, upon appropriate application therefor, in accordance with such section 4(a), with interest as provided in section 4(b) of this Act.

"SEC. 6. (a) The right to receive an annuity or retired pay shall be deemed restored to any person convicted, prior to, on, or after September 1, 1954, of an offense which is within the purview of the first section of this Act or which constitutes a violation of section 2 of this Act, for which he is denied under this Act an annuity or retired pay, to whom a pardon of such offense is granted by the President of the United States, prior to, on, or after September 1, 1954, and to the survivor or beneficiary of such person. Such restoration of the right to receive an annuity or retired pay shall be effective as of the date on which such pardon is granted. Any amounts refunded to such person under section 4 or section 5(b) of this Act shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made, by virtue of such pardon, for any period prior to the date on which such pardon is granted.

"(b) The President is authorized to restore, effective as of such date as he may prescribe, the right to receive an annuity or retired pay to any person who is denied, prior to, on, or after September 1, 1954, an annuity or retired pay under section 2 of this Act, and to the survivor or beneficiary of such person. Any amounts refunded to such person under section 4 or section 5(b) of this Act shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made, by virtue of such restoration of annuity or retired pay by the President under this subsection, for any period prior to the effective date of such restoration of annuity or retired pay.

"(c) The right to receive an annuity or retired pay shall not be denied because of any conviction of an offense which is within the purview of the first section of this Act or which constitutes a violation of section 2 of this Act, in any case in which it is established by satisfactory evidence that such conviction or violation resulted from proper compliance with orders issued, in a confidential relationship, by a department, agency, establishment, or other authority of any branch of the Government of the United States or of the Government of the District of Columbia.

"SEC. 7. No accountable officer or employee of the Government shall be held responsible for any payment made in violation of any provision of this Act if such payment is made in due course and without fraud, collusion, or gross negligence.

"SEC. 8. (a) The President may—

"(1) drop from the rolls any member of the armed forces, and any member of the Coast and Geodetic Survey or of the Public Health Service, who is deprived of retired pay under the provisions of this Act, and

"(2) (A) restore to any person so dropped from the rolls to whom retired pay is restored by reason of any provision of or change in this Act (including the provisions of section 2 of the Act which enacts this clause), his military status, and (B) restore to him and his beneficiaries all rights and privileges of which he or they were deprived by reason of his name having been dropped from the rolls.

"(b) If the person restored was a commissioned officer he may be reappointed by the President alone to the grade and position on the retired list which he held at the time his name was dropped from the rolls.

"SEC. 9. This Act shall not be construed to restrict any authority under any other provision of law to deny or withhold benefits authorized by law.

"SEC. 10. As used in this Act—

"(1) the term 'officer or employee of the Government' includes—

"(A) an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States;

"(B) a Member of, Delegate to, or Resident Commissioner in, the Congress of the United States;

"(C) an officer or employee of the government of the District of Columbia; and

"(D) a member or former member of the armed forces, the Coast and Geodetic Survey, or the Public Health Service.

"(2) the term 'annuity' means any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act and any monthly annuity under section 2 or section 5 of the Railroad Retirement Act of 1937) payable by any department or agency of the Government of the United States or the government of the District of Columbia upon the basis of service as a civilian officer or employee of the Government and any other service which is creditable to an officer or employee of the Government toward such benefit under the law, regulation, or agreement providing such benefit, except that—

"(A) the term 'annuity' does not include any benefit provided under laws administered by the Veterans' Administration;

"(B) the term 'annuity' does not include salary or compensation which may not be diminished under section 1 of Article III of the Constitution of the United States;

"(C) the term 'annuity' does not include, in the case of a benefit payable under title II of the Social Security Act, so much of such benefit as would be payable without taking into account (for any of the purposes of such title II, including determinations of periods of disability under section 216(i)) any remuneration for service as an officer or employee of the Government;

"(D) the term 'annuity' does not include any monthly annuity awarded under section 2 or section 5 of the Railroad Retirement Act of 1937 prior to the date of enactment of this amendment (whether or not computed under section 3(e) of such Act) and, in the case of any annuity awarded under such section 2 or 5 on or subsequent to the date of enactment of this amendment, does not include so much of such annuity as would be payable without taking into account any military service creditable under section 4 of such Act;

"(E) the term 'annuity' does not include any retirement benefit (including any disability insurance benefit and any depedent's or survivor's benefit under title II of the Social Security Act) of any person to whom such benefit has been awarded or granted prior to September 1, 1954, or of the survivor or beneficiary of such person, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (a) or (b) of section 2 of this Act; and

"(F) the term 'annuity' does not include any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act) of any person to whom such benefit has been awarded or granted prior to the date of enactment of this amendment, or of the survivor or beneficiary of such person, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (c) of section 2 of this Act.

"(3) the term 'retired pay' means retired pay, retirement pay, retainer pay, or equivalent pay, payable under any law of the United States to members or former members of the armed forces, the Coast and Geodetic Survey, and the Public Health Service, and any annuity payable to an eligible beneficiary of any such member or former member under chapter 73 (annuities based on retired or retainer pay) of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374), except that—

"(A) the term 'retired pay' does not include any benefit provided under laws administered by the Veterans' Administration;

"(B) the term 'retired pay', as applicable to retired pay, retirement pay, retainer pay, and equivalent pay, does not include any such pay of any person to whom such pay has been awarded or granted prior to September 1, 1954, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (a) or (b) of section 2 of this Act;

"(C) the term 'retired pay', as applicable to retired pay, retirement pay, retainer pay, or equivalent pay, does not include any such pay of any person to whom such pay has been awarded or granted prior to the date of enactment of this amendment insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (c) of section 2 of this Act; and

"(D) the term 'retired pay', as applicable to an annuity payable to the eligible beneficiary of any person under chapter 73 of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C. 1952 edition, Supp. III, sec. 374), does not include any such annuity of any such beneficiary if such annuity has been awarded or granted to such beneficiary, or if retired pay has been awarded or granted to such person, prior to the date of enactment of this amendment insofar as concerns—

on Mon., and the atomic energy authorization bill will be considered on Tues. p. 11505

11. ADJOURNED until Fri., July 14. p. 11522

HOUSE

12. APPROPRIATIONS. Passed, 52 to 6, with amendment H. R. 8072, the D. C. appropriation bill (pp. 11527-36). The committee report on this bill includes the following statement:

"The Elementary School Lunch program requested $599,200 and the Committee recommends $575,000, a reduction of $24,200 but an increase of approximately $150,000 in the 1961 appropriation. The increase will provide lunches for approximately 6,650 needy children during the coming school year."

Agreed to a resolution for consideration of H. R. 7576, the AEC appropriation bill. pp. 11536-41

13. PERSONNEL. Passed without amendment H. R. 6141, to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States. p. 11527

14. WATERSHEDS. Received from the Budget Bureau plans for works of improvement relating to the following watersheds: Big Creek, Ark.; Ulatis Creek, Calif.; South Branch Park River, Conn.; Indian Creek, Pony Creek, Iowa; Frog Creek, Kans.; Big Reedy Creek, Humphrey-Clanton Creek, Ky.; South Branch Cass River, Mich.; Plum Creek, Nebr.; Upper Red Rock Creek, Okla.; Brodhead Creek, Pa.; Anasco River, P. R.; and Houser Creek, Tenn., pursuant to the Watershed Protection and Flood Prevention Act; to Agriculture Committee. p. 11550

Received from the Budget Bureau plans for works of improvement relating to the following watersheds: Big Sandy Creek (supplement), Colo.; South River, Ga.; Middle Fork of Anderson River, Ind.; Middle-South Branch Forest River, N. Dak.; and Twin Parks, Wis., pursuant to the Watershed Protection and Flood Prevention Act; to Public Works Committee. p. 11550

15. WATER RESOURCES. The Public Works Committee reported without amendment H. R. 30, granting the consent and approval of Congress to the northeastern water and related land resources compact (H. Rept. 707). p. 11550

16. WHEAT. The Agriculture Committee reported without amendment S. J. Res. 116, to extend until Aug. 26, 1961, the time for conducting the referendum with respect to the national marketing quota for wheat for the marketing year beginning July 1, 1962 (H. Rept. 709). p. 11550

17. MANPOWER. The Subcommittee on Unemployment and Impact of Automation of the Education and Labor Committee voted to report with amendments to the full committee H. R. 7373, relating to the occupational training, development, and use of the manpower resources of the Nation. p. D559

18. VIRGIN ISLANDS. The Interior and Insular Affairs Committee voted to report (but did not actually report) H. R. 7666, pertaining to the salary of the government comptroller of the Virgin Islands. p. D559

ITEMS IN APPENDIX

19. ELECTRIFICATION. Rep. Rains inserted an article from Rural Electrification magazine, "Coop Leads the Way to Water," commending a local REA coop for promoting individual water systems for its members in Section, Ala. pp. A5236-7

20. PATENTS. Rep. Multer inserted his testimony before a subcommittee of the H. Judiciary Committee in support of H. R. 5487, to permit patent holders to bring civil actions against Government contractors who infringe their patents while carrying out Government contracts. pp. A5246-7

21. ELECTRIFICATION. Extension of remarks of Rep. Hosmer criticizing the deficit of Bonneville Power Administration and inserting two tables. pp. A5198-9

22. COTTON. Rep. Hemphill inserted an editorial urging restrictions of textile imports to protect the cotton textile industry. p. A5206

23. FORESTRY. Rep. Engle inserted an article urging establishment of the Point Reyes National Seashore, Calif. p. A5206

24. FEED GRAINS. Extension of remarks of Rep. Poage relating to the feed grains program and inserting an analysis of Dr. Wilcox of the Legislative Reference Service, "Economic Aspects of Continuing the Feed Grains Adjustment Program." p. A5206-7

25. DROUGHT RELIEF. Extension of remarks of Rep. Young and insertion of an articl "Drought Aid is No Handout." p. A5208

26. TRAVEL. Extension of remarks of Rep. Rhodes, Pa., inserting an article, "Benson Took Birchite on Tours." pp. A5219-20

27. SOIL BANK. Extension of remarks of Rep. Reuss inserting a letter to Secretary Freeman demanding that the Secretary take action on the Baughman Farms Co., operators of wheat farms in Kan. and Colo. who placed land in the Soil Bank, because "Wayne E. Tallman, district manager of Baughman Farms Co., has illegally bilked (or proposes to bilk) the taxpayers of $221,000." p. A5236

BILLS INTRODUCED

28. PROCUREMENT. H. R. 8099, by Rep. Dawson (by request), to amend section 109 of the Federal Property and Administrative Services Act of 1949, as amended, to remove the limitation on the maximum capital of the general supply fund; to Government Operations Committee.

H. R. 8100, by Rep. Dawson (by request), to amend section 109 of the Federal Property and Administrative Services Act of 1949, as amended, relative t the general supply fund; to Government Operations Committee.

29. RIVER COMPACT. H. R. 8094, by Rep. Beerman, to consent to the Lower Niobrara River and Ponca Creek Compact between the States of Nebraska and South Dakota to Interior and Insular Affairs Committee.

30. BUDGET. H. R. 8108, by Rep. Jarman, to amend the Legislative Reorganization Act of 1946 to provide for more effective evaluation of the fiscal requirements of the executive agencies of the Government of the United States; to Rules Committee.

The ambassadors, ministers, and chargés d'affaires of foreign governments.

The SPEAKER. The Chair declares the joint session of the two Houses now dissolved.

Accordingly, at 1 o'clock and 27 minutes p.m., the joint session of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

RECESS

The SPEAKER. The House will stand in recess until 2:45 today.

Accordingly, at 1 o'clock and 27 minutes p.m., the House stood in recess until 2 o'clock and 45 minutes p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 o'clock and 45 minutes p.m.

PROCEEDINGS HAD DURING RECESS ORDERED PRINTED IN THE RECORD

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

THE LATE MRS. ANNA C. BRASKAMP

(Mr. McCORMACK asked and was given permission to address the House.)

Mr. McCORMACK. Mr. Speaker, the House of Representatives has always been fortunate in having as its Chaplain men of God, men of broad understanding, men of deep spirituality, who by their prayers and their presence speak the universal language of religion which appeals to all of us without regard to our own personal religious convictions.

The House of Representatives has been very fortunate, as has the other body in having such men dedicated to God, mankind, and country. We today are very fortunate in having in such office Chaplain Braskamp.

Guiding and directing Chaplain Braskamp for many years during their married life was the sweet girl with whom he fell in love many years ago, and she with him. She has been an inspiration to him, as is every good wife to every husband. The life of Chaplain and Mrs. Braskamp has been one of nobility of character and one that has exercised great influence upon the minds and lives of all persons with whom they have come in contact.

When a beautiful couple like this is separated all of us feel every sympathy for the one who remains, in this case our beloved Chaplain. Our sympathy goes out to him for the loss he sustained when God in His infinite wisdom took yesterday from this world and from the life of Chaplain Braskamp and his family his dear and beloved wife. I know that Chaplain Braskamp and his family and loved one will derive great consolation in the knowledge that the beautiful life she led will merit the judgment in the hereafter that all of us who believe in God seek to obtain for ourselves.

I am sorry to announce to the House of Representatives the death of Mrs. Braskamp, and I know I express the feeling of all my colleagues in conveying to Chaplain Braskamp and to his loved ones our profound sympathy in their great loss and sorrow.

May God have mercy on her soul.

Mr. HALLECK. Mr. Speaker, will the gentleman yield?

Mr. McCORMACK. I yield.

Mr. HALLECK. Mr. Speaker, at noon today when the clergyman acting as chaplain pronounced the invocation, I learned for the first time of the untimely death of Mrs. Braskamp.

Even those of us who did not have the pleasure of knowing Mrs. Braskamp personally can still appreciate the heavy loss that our chaplain has suffered, and in that appreciation we can share, in some measure at least, his sorrow.

Throughout recorded history men have paid eloquent and fitting tribute to the women who stand at our sides in times of triumph and despair; who understand and forgive our weaknesses and who exult in our strength; who sustain us in our need and encourage us in our purpose.

Surely the loss of a good and loyal wife is one of man's most previous burdens.

Feeling this deeply, I joint with the majority leader and others in offering my most heartfelt sympathy to Dr. Braskamp and his family, trusting that their abiding faith in the mercy of the Lord will comfort them in this melancholy hour.

Mr. McCORMACK. Mr. Speaker, I yield to the gentleman from Iowa [Mr. HOEVEN].

Mr. HOEVEN. Mr. Speaker, it is with a deep sense of personal sorrow that I learn of the passing of Anna B. Braskamp, the wife of our beloved Chaplain, Dr. Bernard Braskamp. She passed away in Washington last evening after a prolonged illness.

Dr. Braskamp was born and raised in my hometown of Alton, Iowa, and he and his wife made many visits to the Alton community throughout the years.

Mrs. Braskamp was a beloved and devoted wife and mother. She radiated charm and personality and was a wonderful helpmate to her distinguished husband. Her warm friendship and Christian devotion were a joy to her multitude of friends.

All Members of the House of Representatives will indeed be saddened today and I am sure they all join me in extending our sincere and heartfelt sympathy to Dr. Braskamp and all members of the family.

Besides Dr. Braskamp, Mrs. Braskamp is survived by her daughter, Mrs. Norman Tucker, and son, Bernard, Jr., and three fine grandchildren of whom she was immensely proud.

Funeral services will be held on Friday afternoon of this week at 3 p.m. at the Sixth Presbyterian Church at 16th and Kennedy Streets, NW., with interment following at Rock Creek Cemetery. The family requests that in lieu of floral tributes, memorial contributions may be sent to Children's Hospital in Washington or the American Cancer Society.

May the good Lord of all of us guard and keep our beloved Chaplain and his loved ones under the shadow of His wings until that day when they shall all be reunited in that "house not made with hands", eternal in the heavens.

GENERAL LEAVE TO EXTEND

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members who so desire may extend their remarks at this point in the RECORD and that all others may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

FORFEITURE OF FEDERAL RETIREMENT BENEFITS IN CASE OF OFFENSES INVOLVING THE NATIONAL SECURITY

The SPEAKER. The unfinished business is the further consideration of the bill H.R. 6141, which the Clerk will report by title.

The clerk read the title of the bill.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1962

Mr. RABAUT. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8072) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending June 30, 1962, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous consent that general debate be limited to 2 hours, the time to be equally divided and controlled by the gentleman from Arizona [Mr. RHODES], and myself.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 8072, with Mr. PRICE in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. RABAUT. Mr. Chairman, I yield myself such time as I may require.

Mr. Chairman, today I bring to the House the seventh annual District of

Columbia appropriation bill for which it has been my pleasure to act as chairman of the subcommittee. This is the annual appropriation bill which provides funds for the financial operation of the District of Columbia government.

As has been its practice, the committee has attempted to provide an adequate but fully funded spending program for the District. This was our objective this year also, but if we were to recommend appropriations based on presently existing revenue legislation, we would have had to bring to you a bill which would be at least $12 million below the $268,172,400 recommended today. However, the House has already passed the District's revenue bill, H.R. 258, which if enacted in its present form would provide $7.5 million in additional revenue. The Senate District Committee on last Monday reported out an amended bill which would provide approximately $13 million in revenue. The Senate District Committee also strongly urged the District Commissioners to increase the real estate tax from the present $2.30 rate to $2.50 per $100 of assessed value. If the Commissioners heed the advice of this committee and the Senate committee, $4.5 million in revenue will be realized. Therefore, the committee assumed that with these two sources of revenue, first, the revenue bill which should provide at least $7.5 million, and second, the increased property tax of $4.5 million, the District would realize a total of approximately $12 million in revenue. The committee then proceeded to mark up the bill, and after making reductions and increases in the budget estimate, decided that an increase of $5 million in the Federal payment was justified. However, the approved budget, at that point, required further cuts or additional financing, so the committee approved an increase of $4.4 million over the estimate in the District's borrowing authority for the general fund.

To sum up the foregoing, the committee recommends an appropriation of $268,172,400, a reduction of $24,265,788 in the estimates. This is an increase of $3,721,067 above the fiscal year 1961 appropriation. But, in the event the pending revenue bill is not enacted into law, the committee has included a new general provision in the bill which directs the Commissioners to delete capital outlay projects in an amount sufficient to enable the District government to live within available revenues during the fiscal year. The committee, therefore, is of the opinion that it has provided an adequate but fully funded bill for the operation of the District government in fiscal 1962.

As to the bill itself, there are one or two items which I believe I should bring to your attention.

General operating expenses which is a new item and, incidentally, a statement on the consolidation of appropriation items in the bill may be found on page 3 of the report, contains an appropriation for the Executive Office of the Commissioners. Included in the Executive Office are funds for the Commissioners Youth Council and the committee has recommended $60,600 for its operation. The major portion of the reduction in this activity is $37,500 for the youth fitness program. Prior to the initiation of this program in 1959 the juvenile delinquency rate had dropped each year for 4 years. As soon as the youth fitness program was started the juvenile delinquency rate started to climb. The committee has been concerned as to whether this new program had changed the function of the youth council and whether too much emphasis was being placed on youth fitness and not enough on the prevention of delinquent behavior of children. In an effort to get the youth council back to its original function, the Committee, this year, deleted $37,500 which had been appropriated in fiscal 1959 and 1960 for the youth fitness program.

There are two departments under the new item of "Public Safety" which deserves some comment. The first item is the fire department, where the committee has deleted $133,000 which has been budgeted for the board of police and fire surgeons to provide medical services for the 3,800 District police and firemen. The police department also had $108,000 budgeted for this purpose. The committee could see no logical reason to continue this expenditure of almost a quarter of a million dollars to provide medical services to 3,800 individuals when the District is spending over $12 million a year to operate District of Columbia General Hospital. The committee is of the opinion that the members of the police and fire force can receive just as good medical attention from the staff and facilities of District of Columbia General and, therefore, has recommended that the Commissioners abolish the part-time physician positions established for the board and to provide such medical services at District of Columbia General within the funds allowed for that hospital during this fiscal year.

The police department budget contained a request for 110 additional police officers. The committee has approved 59 positions, which will provide an authorized strength of 2,773, making the District police force second in size of cities of comparable population. Chief Murray, who, in my opinion is one of the best chiefs of police that we have had, stated to the committee—and I quote:

> I do not believe that additional policemen alone will solve the crime problem in the District of Columbia.

The committee is also of the same opinion and has recommended for your consideration an increase of 59 additional police officers. However, in the event any difficulty is experienced in recruiting these new officers, the Police Department is directed not to use any of these funds for a sixth day of work, as the Department has done in the past. In addition, the budget proposed an increase up to 50 man-dog teams for the Canine Corps. The committee has approved the $57,000 requested for this purpose this year but in all candor must admit that it has some doubts as to the value of the Canine Corps in the prevention of crime. This sum of money would finance the cost of 11 additional foot patrolmen which should be more valuable in the fight on crime as each dog must be accompanied by one police patrolman, but each police patrolman does not have to be accompanied by a police dog.

Of major concern to any parent is the educational system and its philosophy that his children are subjected to over a long period of years. For the most important activity in the public school budget, which is supervision and instruction, the committee has approved an increase of $994,000 above the 1961 appropriation. This increase will provide a total of $36,457,500 for this purpose during fiscal 1962, and will provide supervision and instruction for the anticipated avcrage daily membership of approximately 121,000 pupils in the public school system during the coming school year.

The present superintendent of schools, Dr. Carl F. Hansen, has instituted a new concept of education during the past year at the Amidon School in the Southwest area of Washington. The Amidon plan, in brief, is a return to the teaching of the whole class rather than groups in the fundamentals of education—reading, writing, and arithmetic. The committee supports this new concept in teaching here in the District and as evidence of its support, during the hearings in June permitted the school system to obligate $157,000 of 1961 funds, which otherwise would have returned to the Distriet Treasury on June 30, for books and charts to extend the Amidon plan to as many schools as possible. In its report on the bill for 1962 the committee directs that not less than $128,000 shall be used to furnish books and charts to all schools not covered by the original allocation. The committee is of the opinion that the extension of the Amidon plan to all elementary schools in the District will be of inestimable value in the teaching of the fundamental subjects of education to the District's elementary school population.

The second largest increase above the 1961 appropriation is for the Welfare Department. The total appropriation for the Department amounts to $21,816,500 for fiscal 1962. As the report indicates, the public assistance activity requires an increase of $1,660,000 above the 1961 allocation for this purpose and is recommended to finance a constantly increasing public assistance caseload. The total public assistance caseload has increased approximately 50 percent since fiscal 1956 from 8,230 cases to an estimated 12,400 cases in fiscal 1961. Pages 866 and 867 of the hearings contain tables which give the average monthly grant by category of aid, and a comparison of the District grant with selected cities of the United States and with adjacent jurisdictions in the metropolitan area.

The committee has consolidated into one item the six items that were carried in prior bills for capital outlay. The committee has recomemnded an appropriation of $41,778,900 for this purpose in fiscal year 1962. This is a reduction of $19,096,288 in the budget estimates and a decrease of $5,038,900 below the

87TH CONGRESS
1ST SESSION

H. R. 6141

IN THE SENATE OF THE UNITED STATES

JULY 14, 1961

Read twice and referred to the Committee on Post Office and Civil Service

AN ACT

To amend the Act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes", approved September 1, 1954, as amended (68 Stat. 1142, 70 Stat. 761; 5 U.S.C. 2281–2288), is amended to read as follows:

"That (a) there shall not be paid to any person con-

victed, prior to, on or after September 1, 1954, under any article or provision of law specified or described in this subsection, of any offense within the purview of such article or provision to the extent provided in this subsection, or to any survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or subsequent to September 1, 1954, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay—

"(1) any offense within the purview of—

"(A) section 792 (harboring or concealing persons), 793 (gathering, transmitting, or losing defense information), 794 (gathering or delivering defense information to aid foreign government), or 798 (disclosure of classified information), of chapter 37 (relating to espionage and censorship) of title 18 of the United States Code,

"(B) chapter 105 (relating to sabotage) of title 18 of the United States Code,

"(C) section 2381 (treason), 2382 (misprison of treason), 2383 (rebellion or insurrection), 2384 (seditious conspiracy), 2385 (advocating

overthrow of government), 2387 (activities affecting armed forces generally), 2388 (activities affecting armed forces during war), 2389 (recruiting for service against United States), or 2390 (enlistment to serve against United States), of chapter 115 (relating to treason, sedition, and subversive activities) of title 18 of the United States Code,

"(D) section 10(b)(2), 10(b)(3), or 10(b)(4) of the Atomic Energy Act of 1946 (60 Stat. 766, 767; 42 U.S.C., 1952 edition, sec. 1810 (b)(2), (3) and (4), as in effect prior to the enactment of the Atomic Energy Act of 1954 by the Act of August 30, 1954 (68 Stat. 919; Public Law 703, Eighty-third Congress; 42 U.S.C. 2011–2281),

"(E) section 16(a) or 16(b) of the Atomic Energy Act of 1946 (60 Stat. 773; 42 U.S.C., 1952 edition, sec. 1816 (a) and (b)) as in effect prior to the enactment of the Atomic Energy Act of 1954 by the Act of August 30, 1954, insofar as such offense under such section 16(a) or 16(b) is committed with intent to injure the United States or with intent to secure an advantage to any foreign nation, or

"(F) any prior provision of law on which any provision of law specified in subparagraph (A), (B), or (C) of this paragraph is based;

"(2) any offense within the purview of—

"(A) article 104 (aiding the enemy) or article 106 (spies) of the Uniform Code of Military Justice (chapter 47 of title 10 of the United States Code) or any prior article on which such article 104 or article 106, as the case may be, is based, or

"(B) any current article of the Uniform Code of Military Justice (or any prior article on which such current article is based) not specified or described in subparagraph (A) of this paragraph on the basis of charges and specifications describing a violation of any provision of law specified or described in paragraph (1), (3), or (4) of this subsection if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defendant dies before execution of such sentence as finally approved;

"(3) perjury committed under the laws of the United States or of the District of Columbia—

"(A) in falsely denying the commission of an act which constitutes any of the offenses—

"(i) within the purview of any provision

of law specified or described in paragraph (1) of this subsection, or

"(ii) within the purview of any article or provision of law specified or described in paragraph (2) of this subsection insofar as such offense is within the purview of any article or provision of law specified or described in paragraph (1) or paragraph (2) (A) of this subsection,

"(B) in falsely testifying before any Federal grand jury, court of the United States, or court-martial with respect to his service as an officer or employee of the Government in connection with any matter involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States, or

"(C) in falsely testifying before any congressional committee in connection with any matter under inquiry before such congressional committee involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States; and

"(4) subornation of perjury committed in connection with the false denial or false testimony of another person as specified in paragraph (3) of this subsection.

"(b) There shall not be paid to any person convicted, prior to, on, or after the date of enactment of this amendment, under any article or provision of law specified or described in this subsection, of any offense within the purview of such article or provision to the extent provided in this subsection, or to any survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or subsequent to the date of enactment of this amendment, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay—

"(1) any offense within the purview of—

"(A) section 222 (violation of specific sections) or section 223 (violation of sections generally of the Atomic Energy Act of 1954 (68 Stat. 958; 42 U.S.C. 2272 and 2273) insofar as such offense under such section 222 or 223 is committed with intent to injure the United States or with intent to secure an advantage to any foreign nation,

"(B) section 224 (communication of restricted

data), section 225 (receipt of restricted data), or section 226 (tampering with restricted data) of the Atomic Energy Act of 1954 (68 Stat. 958 and 959; 42 U.S.C. 2274, 2275, and 2276), or

"(C) section 4 (conspiracy and communication or receipt of classified information), section 112 (conspiracy or evasion of apprehension during internal security emergency), or section 113 (aiding evasion of apprehension during internal security emergency) of the Internal Security Act of 1950 (64 Stat. 991, 1029, and 1030; 50 U.S.C. 783, 822, and 823);

"(2) any offense within the purview of any current article of the Uniform Code of Military Justice (chapter 47 of title 10 of the United States Code), or any prior article on which such current article is based, on the basis of charges and specifications describing a violation of any provision of law specified or described in paragraph (1), (3), or (4) of this subsection, if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defendant dies before execution of such sentence as finally approved;

"(3) perjury committed under the laws of the United States or the District of Columbia in falsely

denying the commission of an act which constitutes any of the offenses within the purview of any provision of law specified or described in paragraph (1) of this subsection; and

"(4) subornation of perjury committed in connection with the false denial of another person as specified in paragraph (3) of this subsection.

"SEC. 2. (a) There shall not be paid to any person who, prior to, on, or after September 1, 1954, has refused or refuses, or knowingly and willfully has failed or fails, to appear, testify, or produce any book, paper, record, or other document, relating to his service as an officer or employee of the Government, before a Federal grand jury, court of the United States, court-martial, or congressional committee, in any proceeding with respect to—

"(1) any relationship which he has had or has with a foreign government, or

"(2) any matter involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States, or to the survivor or beneficiary of such person, for any period subsequent to September 1, 1954, or subsequent to the date of such failure or refusal of such person, whichever

date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

"(b) There shall not be paid to any person who, prior to, on, or after September 1, 1954, knowingly and willfully, has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, knowingly and willfully, has concealed or conceals any material fact, with respect to his—

"(1) past or present membership in, affiliation or association with, or support of the Communist Party, or any chapter, branch, or subdivision thereof, in or outside the United States, or any other organization, party, or group advocating (A) the overthrow, by force, violence, or other unconstitutional means, of the Government of the United States, (B) the establishment, by force, violence, or other unconstitutional means, of a Communist totalitarian dictatorship in the United States, or (C) the right to strike against the Government of the United States,

"(2) conviction, under any article or provision of law specified or described in subsection (a) of the first

section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or

"(3) failure or refusal to appear, and testify, or produce any book, paper, record, or other document, as specified in subsection (a) of this section,

for any period subsequent to September 1, 1954, or subsequent to the date on which any such statement, representation, or concealment of fact is made or occurs, whichever date is later, in any document executed by such person in connection with his employment in, or application for, a civilian or military office or position in or under the legislative, executive, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

"(c) There shall not be paid to any person who, prior to, on, or after the date of enactment of this amendment, knowingly and willfully, has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, knowingly and willfully, has concealed or conceals any material fact, with respect to his

conviction, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, for any period subsequent to the date of enactment of this amendment or subsequent to the date on which any such statement, representation, or concealment of fact is made or occurs, whichever date is later, in any document executed by such person in connection with his employment in, or application for, a civilian or military office or position in or under the legislative, executive, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

"SEC. 3. There shall not be paid to any person—

"(1) who (A) after July 31, 1956, is under indictment, or has outstanding against him charges preferred under the Uniform Code of Military Justice, for any offense within the purview of subsection (a) of the first section of this Act, or (B) after the date of enactment of this amendment, is under indictment, or has outstanding against him charges preferred under the Uniform

Code of Military Justice, for any offense within the purview of subsection (b) of such first section, and

"(2) who willfully remains outside the United States, its Territories and possessions, and the Commonwealth of Puerto Rico for a period in excess of one year with knowledge of such indictment or charges, as the case may be,

for any period subsequent to the end of such one-year period, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay, unless and until—

"(i) a nolle prosequi to the entire indictment is entered upon the record, or such charges have been dismissed by competent authority, as the case may be,

"(ii) such person returns and thereafter the indictment, or charges, is or are dismissed, or

"(iii) after trial by court or court-martial, as applicable, the accused is found not guilty of the offense or offenses referred to in paragraph (1) of this section.

"SEC. 4. (a) In the case of—

"(1) the conviction of any person, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within

the purview of such subsection (a) to the extent provided in such subsection, or the commission by any person of any violation of subsection (a) or (b) of section 2 of this Act, or

"(2) the conviction of any person, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by any person of any violation of subsection (c) of section 2 of this Act,

any amounts (not including employment taxes) contributed by such person toward an annuity the benefits of which are denied under this Act (less any amounts previously refunded or previously paid as annuity benefits) shall be refunded, upon appropriate application therefor—

"(A) to such person,

"(B) if such person is deceased, to such other person or persons as may be designated to receive refunds by or under the law, regulation, or agreement under which the annuity (the benefits of which are denied under this Act) would have been payable, or

"(C) if there is no such designation, in the order of precedence prescribed in section 11(c) of the Civil

Service Retirement Act (70 Stat. 755; 5 U.S.C. 2261(c)) or section 2771 of title 10 of the United States Code, as applicable.

"(b) Each refund under subsection (a) of this section shall be made with interest at such rates and for such periods as may be provided under the law, regulation, or agreement under which the annuity would have been payable. Such interest shall not be computed—

"(1) if paragraph (1) of subsection (a) of this section is applicable, for any period after the date of conviction or commission of violation, as the case may be, or after September 1, 1954, whichever date is later, or

"(2) if paragraph (2) of subsection (a) of this section is applicable, for any period after the date of conviction or commission of violation, as the case may be, or after the date of enactment of this amendment, whichever date is later.

"(c) No person whose annuity is denied under this Act shall be required to repay that part of any annuity otherwise properly paid to such person which is in excess of the aggregate amount of his own contributions toward such annuity, with applicable interest.

"(d) No survivor or beneficiary of any such person shall be required to repay that part of any annuity otherwise

properly paid to such person or to such survivor or beneficiary on the basis of the service of such person which is in excess of the aggregate amount of the contributions of such person toward annuity, with applicable interest.

"SEC. 5. (a) No person (including an eligible beneficiary under chapter 73 of title 10 of the United States Code or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374)) to whom payment of retired pay is denied under this Act shall be required to refund to the United States any retired pay otherwise properly paid to such person or beneficiary which is paid in violation of this Act.

"(b) In the case of the conviction of, or the commission of any violation by, any person to the extent provided in paragraph (1) or paragraph (2), as the case may be, of section 4(a) of this Act, any deposits made under section 1438 of chapter 73 of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374), to provide the eligible beneficiary with annuity for any period (less amounts previously paid as retired pay benefits) shall be refunded, upon appropriate application therefor, in accordance with such section 4(a), with interest as provided in section 4(b) of this Act.

"SEC. 6. (a) The right to receive an annuity or retired pay shall be deemed restored to any person convicted, prior to, on, or after September 1, 1954, of an offense which is within the purview of the first section of this Act or which constitutes a violation of section 2 of this Act, for which he is denied under this Act an annuity or retired pay, to whom a pardon of such offense is granted by the President of the United States, prior to, on, or after September 1, 1954, and to the survivor or beneficiary of such person. Such restoration of the right to receive an annuity or retired pay shall be effective as of the date on which such pardon is granted. Any amounts refunded to such person under section 4 or section 5 (b) of this Act shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made, by virtue of such pardon, for any period prior to the date on which such pardon is granted.

"(b) The President is authorized to restore, effective as of such date as he may prescribe, the right to receive an annuity or retired pay to any person who is denied, prior to, on, or after September 1, 1954, an annuity or retired pay under section 2 of this Act, and to the survivor or beneficiary of such person. Any amounts refunded to such person under section 4 or section 5 (b) of this Act shall be redeposited before credit is allowed for the period or periods

of service covered by the refund. No payment of annuity or retired pay shall be made, by virtue of such restoration of annuity or retired pay by the President under this subsection, for any period prior to the effective date of such restoration of annuity or retired pay.

"(c) The right to receive an annuity or retired pay shall not be denied because of any conviction of an offense which is within the purview of the first section of this Act or which constitutes a violation of section 2 of this Act, in any case in which it is established by satisfactory evidence that such conviction or violation resulted from proper compliance with orders issued, in a confidential relationship, by a department, agency, establishment, or other authority of any branch of the Government of the United States or of the government of the District of Columbia.

"SEC. 7. No accountable officer or employee of the Government shall be held responsible for any payment made in violation of any provision of this Act if such payment is made in due course and without fraud, collusion, or gross negligence.

"SEC. 8. (a) The President may—

"(1) drop from the rolls any member of the armed forces, and any member of the Coast and Geodetic Survey or of the Public Health Service, who is deprived of retired pay under the provisions of this Act, and

"(2) (A) restore to any person so dropped from the rolls to whom retired pay is restored by reason of any provision of or change in this Act (including the provisions of section 2 of the Act which enacts this clause), his military status, and (B) restore to him and his beneficiaries all rights and privileges of which he or they were deprived by reason of his name having been dropped from the rolls.

"(b) If the person restored was a commissioned officer he may be reappointed by the President alone to the grade and position on the retired list which he held at the time his name was dropped from the rolls.

"SEC. 9. This Act shall not be construed to restrict any authority under any other provision of law to deny or withhold benefits authorized by law.

"SEC. 10. As used in this Act—

"(1) the term 'officer or employee of the Government' includes—

"(A) an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States;

"(B) a Member of, Delegate to, or Resident Commissioner in, the Congress of the United States;

"(C) an officer or employee of the government of the District of Columbia; and

"(D) a member or former member of the armed forces, the Coast and Geodetic Survey, or the Public Health Service.

"(2) the term 'annuity' means any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act and any monthly annuity under section 2 or section 5 of the Railroad Retirement Act of 1937) payable by any department or agency of the Government of the United States or the government of the District of Columbia upon the basis of service as a civilian officer or employee of the Government and any other service which is creditable to an officer or employee of the Government toward such benefit under the law, regulation, or agreement providing such benefit, except that—

"(A) the term 'annuity' does not include any benefit provided under laws administered by the Veterans' Administration;

"(B) the term 'annuity' does not include salary or compensation which may not be diminished under section 1 of Article III of the Constitution of the United States;

"(C) the term 'annuity' does not include, in the case of a benefit payable under title II of the

Social Security Act, so much of such benefit as would be payable without taking into account (for any of the purposes of such title II, including determinations of periods of disability under section 216 (i)) any remuneration for service as an officer or employee of the Government;

"(D) the term 'annuity' does not include any monthly annuity awarded under section 2 or section 5 of the Railroad Retirement Act of 1937 prior to the date of enactment of this amendment (whether or not computed under section 3 (e) of such Act) and, in the case of any annuity awarded under such section 2 or 5 on or subsequent to the date of enactment of this amendment, does not include so much of such annuity as would be payable without taking into account any military service creditable under section 4 of such Act;

"(E) the term 'annuity' does not include any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act) of any person to whom such benefit has been awarded or granted prior to September 1, 1954, or of the survivor or beneficiary of such person, insofar as concerns the conviction of such person, prior to such

date, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (a) or (b) of section 2 of this Act; and

"(F) the term 'annuity' does not include any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act) of any person to whom such benefit has been awarded or granted prior to the date of enactment of this amendment, or of the survivor or beneficiary of such person, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (c) of section 2 of this Act.

"(3) the term 'retired pay' means retired pay, retirement pay, retainer pay, or equivalent pay, payable

under any law of the United States to members or former members of the armed forces, the Coast and Geodetic Survey, and the Public Health Service, and any annuity payable to an eligible beneficiary of any such member or former member under chapter 73 (annuities based on retired or retainer pay) of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374), except that—

"(A) the term 'retired pay' does not include any benefit provided under laws administered by the Veterans' Administration;

"(B) the term 'retired pay', as applicable to retired pay, retirement pay, retainer pay, and equivalent pay, does not include any such pay of any person to whom such pay has been awarded or granted prior to September 1, 1954, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by such person, prior

to such date, of any violation of subsection (a) or (b) of section 2 of this Act;

"(C) the term 'retired pay', as applicable to retired pay, retirement pay, retainer pay, or equivalent pay, does not include any such pay of any person to whom such pay has been awarded or granted prior to the date of enactment of this amendment insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (c) of section 2 of this Act; and

"(D) the term 'retired pay', as applicable to an annuity payable to the eligible beneficiary of any person under chapter 73 of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C. 1952 edition, Supp. III, sec. 374), does not include any such annuity of any such beneficiary if such annuity has been awarded or granted to such beneficiary, or if retired pay has been

awarded or granted to such person, prior to the date of enactment of this amendment insofar as concerns—

"(i) the conviction, prior to such date, of the person on the basis of whose service such annuity is awarded or granted, under any article or provision of law specified or described in the first section of this Act, of any offense within the purview of such first section to the extent specified in such section, or

"(ii) the commission by such person, prior to such date, of any violation of section 2 of this Act.

"(4) the term 'armed forces' shall have the meaning provided for such term by title 10 of the United States Code.

"SEC. 11. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"SEC. 12. (a) Section 3282 of title 18 of the United States Code is amended by striking out 'three' and inserting in lieu thereof 'five'.

"(b) The amendment made by subsection (a) shall be effective with respect to offenses (1) committed on or after September 1, 1954, or (2) committed prior to such date, if on such date prosecution therefor is not barred by provisions of law in effect prior to such date."

SEC. 2. (a) Subject to subsection (b) of this section, any person, including his survivor or beneficiary, to whom annuity or retired pay is not payable under the Act of September 1, 1954, as in effect at any time prior to the date of enactment of this Act, by reason of any conviction of an offense, any commission of a violation, any refusal to answer, or any absence under indictment, or under charges, for any offense, shall be restored the right to receive such annuity or retired pay for any and all periods for which he would have had the right to receive such annuity or retired pay if the Act of September 1, 1954, had not been enacted, unless, under the amendment made by the first section of this Act, such annuity or retired pay remains nonpayable to such person, including his survivor or beneficiary.

(b) No annuity accrued or accruing, prior to, on, or after the date of enactment of this Act, on account of the restoration, by reason of the amendment made by the first section of this Act and by reason of subsection (a) of this section, of the right to receive such annuity, shall be paid

until any sum refunded under section 3 of the Act of September 1, 1954, as in effect prior to the date of enactment of such amendment, is deposited or is collected by offset against the annuity.

Passed the House of Representatives July 12, 1961.

Attest: RALPH R. ROBERTS,

Clerk.

87TH CONGRESS
1ST SESSION

H. R. 6141

AN ACT

To amend the Act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such Act, and for other purposes.

JULY 14, 1961

Read twice and referred to the Committee on Post Office and Civil Service

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE
(For information only; should not be quoted or cited)

Issued August 10, 1961
For actions of August 9, 1961
87th-1st, No. 136

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HIGHLIGHTS: Senate committee reported farm labor bills relating to child labor, educational facilities, contractors of farm labor, health services, and Council on Migratory Labor. Senate debated foreign aid authorization bill. House received conference report on defense appropriation bill.

SENATE

1. FARM LABOR. The Labor and Public Welfare Committee reported the following bills: p. 14159

S. 1123, with amendment, to exempt migratory labor children above certain ages from the child labor provisions of the Fair Labor Standards Act of 1938 (S. Rept. 696).

S. 1124, with amendment, to provide Federal assistance in providing improved educational opportunities for children of migratory farm workers, amended to include the amended text of S. 1125, to provide Federal assistance for the adult education of migratory farm workers (S. Rept. 698).

S. 1126, with amendment, to provide for the registration of contractors of migratory farm workers (S. Rept. 695).

S. 1130, with amendment, to authorize the Public Health Service to make grants for improving health services and conditions for migratory farm workers (S. Rept. 699).

S. 1132, with amendment, to provide for the establishment of a National Citizens Council on Migratory Labor (S. Rept. 697).

2. FOREIGN AID. Continued debate on S. 1983, the foreign aid authorization bill. pp. 14164-5, 14169-79, 14195-6

3. TRANSPORTATION. The Commerce Committee reported with amendment S. 1368, to continue the authority for licensing independent ocean freight forwarders (S. Rept. 691). p. 14159

4. PERSONNEL. The Subcommittee on Retirement of the Post Office and Civil Service Committee voted to report to the full committee without amendment H. R. 6141, to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States. p. D683

5. WATER RESOURCES. Sen. Dworshak discussed the "controversy" over water resource development in the Northwest and the need for ratification of the U. S.-Canadian International Columbia Basin Treaty, and inserted an article discussing this matter, "British Columbia Frustrates Americans Also." pp. 14168-9

HOUSE

6. APPROPRIATIONS. Received the conference report on H. R. 7851, the Department of Defense appropriation bill for 1962 (H. Rept. 873). The item providing $207,600,000 for civil defense activities was reported in disagreement. pp. 14198-200

7. ASSISTANT SECRETARIES. Passed without amendment S. 1815, to provide for one additional Assistant Secretary of Labor. This bill will now be sent to the President. A similar bill, H. R. 6882, passed earlier, was laid on the table. pp. 14201-10

8. BONDS; CONTRACTS. Received from GSA a proposed bill "to amend the act of April 29, 1941, as amended, to authorize any Federal agency to waive performance and payment bonds"; to Judiciary Committee. p. 14259

9. PURCHASING; BIDS. The "Daily Digest" states that the Subcommittee on Executive and Legislative Reorganization of the Government Operations Committee "ordered reported favorably to the full committee H. R. 4570 (amended, a clean bill to be introduced), to provide for public information and publicity concerning instances where competitors submit identical bids to public agencies for the sale or purchase of supplies, equipment, or services." p. D684

10. MINING. The Interior and Insular Affairs Committee voted to report with amendments (but did not actually report) H. R. 84, to stabilize the mining of lead and zinc by small domestic producers on public, Indian and other lands. p. D684

11. SALINE WATER. The Interior and Insular Affairs Committee voted to report with amendments (but did not actually report) H. R. 7916, to expand and extend the saline water conversion program being conducted by the Secretary of the Interior. p. D684

12. BROOMCORN. Rep. Chenoweth discussed the plight of the broomcorn industry, and said, "Broomcorn is a most important crop in southeastern Colorado, and I am anxious to see our broomcorn growers obtain a fair price." p. 14217

13. FOREIGN AID. Rep. Meader said, "if H. R. 8400, the 1961 foreign aid bill, is not substantially improved and strengthened during its consideration by the

Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF BUDGET AND FINANCE

(For information only; should not be quoted or cited)

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87th-1st, No. 151

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For highlights see page 6.

SENATE

1. PERSONNEL. The Post Office and Civil Service Committee voted to report (but did not actually report) ~~S. 1683, with amendment, to remove the present requirement, contained in the Pay Act of 1960, that~~ ASC employees ~~with past service purchase credit for such services within a two-year period from July 10, 1960;~~ H. R. 6141, to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the Federal Government; ~~H. R. 7043, to extend to employees subject to the Classification Act of 1949 the benefits of salary increases in connection with the protection of basic compensation rates from the effects of downgrading actions; and H. R. 2555, to authorize pay with respect to civilian employees of the U. S. in cases of emergency evacuations, and to consolidate the laws governing allotments and assignment of pay by such employees.~~ p. D785

~~The "Daily Digest" states that the "Committee put over for considerations at a later date S. 1732, providing for the establishment and rate of pay of supergrade, scientific, and other Federal positions." p. D785~~

2. RECLAMATION. The Interior and Insular Affairs Committee reported with amendment S. 230, to modify provisions relating to the construction of the Garrison Diversion Unit, Missouri River Basin project (S. Rept. 833). p. 16337

3. STATE-JUSTICE APPROPRIATION BILL, 1962. Passed with amendments this bill, H. R. 7371 (pp. 16348-61, 16364-413). Conferees were appointed (p. 16413). Agreed to an amendment by Sen. Mansfield (for himself and Sen. Dirksen), by a vote of 70 to 19, to extend the Civil Rights Commission for an additional two years (pp. 16348-61, 16364-400).

4. TRANSPORTATION. The Commerce Committee reported an original bill, S. 2491, to permit the application of the bulk commodity exemption when other commodities are concurrently transported in the same vessel (S. Rept. 838). p. 16337

5. ADMINISTRATIVE ORDERS. The Judiciary Committee reported without amendment H. R. 5656, to provide for reasonable notice of applications to the U. S. courts of appeals for interlocutory relief against the orders of certain administrative agencies (S. Rept. 835). p. 16337

6. RIVER BASINS. Sen. Jackson announced that hearings will be held by the Interior and Insular Affairs Committee Tues., Sept. 5, on H. J. Res. 225, to grant the consent to Congress to the Delaware River Basin Compact. p. 16340

7. DEPRESSED AREAS. Sen. Tower criticized the disignation of certain areas as "depressed areas." and inserted an East Texas Chamber of Commerce resolution critical of the designation of 41 east Texas counties as "depressed areas." p. 16341

8. CONSUMERS. Sen. Keating inserted an editorial supporting enactment of legislation to establish an Office of Consumer Counsel in the White House. p. 16342

9. FORESTRY; RECREATION. Sen. Moss inserted an article, "Tourists' New Frontier," discussing the creation of recreational facilities on public lands in the West. pp. 16343-5

10. WILDERNESS AREAS. Sen. Proxmire inserted letters he received from the Independent Petroleum Assoc. of America opposing S. 174, to provide for the establishment of a wilderness preservation system. pp. 16345-6

11. WATERSHEDS. The Public Works Committee approved the following watershed projects: Big Sandy Creek, Colo., South River, Ga., Middle Fork of Anderson River, Ind., Middle-South Branch Forest River, N. Dak., Sallisaw Creek, Okla., Beaver Creek, Oreg., and Twin Parks Creek, Wis. p. 16348

12. SMALL BUSINESS. Passed without amendment H. R. 8922, to increase by $20 million the amount available for regular business loans by the Small Business Administration. This bill will now be sent to the President. pp. 16361-3

13. FOREIGN AFFAIRS. Sen Humphrey inserted an address by Assistant Secretary of Commerce for International Affairs, Rowland Burnstan, discussing problems involved in the economic development of Latin America. pp. 16415-20

14. LEGISLATIVE PROGRAM. Sen Mansfield expressed hope that Senate action would be completed this week on the saline water bill, the foreign aid authorization bill and migratory labor bills. He stated that next week the wilderness bill will be considered on Tues., the Department of Urban Affairs and Housing bill on Wed.,

11. TRANSPORTATION. Passed without amendment H. R. 2429, to prohibit destruction of, or injury to, any freight or express moving in interstate or foreign commerce. This bill will now be sent to the President. p. 16797

Passed with amendment H. R. 6732, to amend the Merchant Marine Act so as to encourage the construction and maintenance of American-flag vessels built in American shipyards. p. 16863

Passed with amendments S. 1368, to continue the authority for licensing independent ocean freight forwarders. pp. 16863-5

Sen. Javits and Schoeppel discussed the recommendation of the Interstate Commerce Commission for direct Federal subsidies to the railroads and Sen. Schoeppel inserted the report of the ICC on this matter. pp. 16828, 16849-54

12. FISHERIES. Passed without amendment H. R. 206, to facilitate the administration of the fishery loan fund. This bill will now be sent to the President. p. 16797

13. HAMS. Sen. Neuberger stated that she had received word "from the Department of Agriculture, which announces that it has rescinded the order in regard to the adulteration of hams," and commended the decision as "a step in the right direction to restore integrity to the marketplace." pp. 16809-10

14. WILDERNESS AREAS. S. 174, the wilderness preservation bill, was made the unfinished business of the Senate. p. 16879

15. WATERSHEDS. A subcommittee of the Agriculture and Forestry Committee approved for full committee consideration watershed projects at Indian Creek, Iowa and Anasco River, Puerto Rico. p. D800

16. PASSED OVER the following bills:

S. 836, the proposed Small Business Act Amendments of 1961. p. 16793

S. 2491, to permit the application of the bulk commodity exemption when other commodities are concurrently transported in the same vessel. p. 16798

17. PERSONNEL. ~~Received from the Budget Bureau a proposed bill "to amend section 15 of the Administrative Expenses Act of 1946; to provide for regulation by the President of the employment of experts or consultants or organizations thereof." p. 16775~~

The Post Office and Civil Service Committee reported without amendment ~~H. R. 7043, to extend to employees subject to the Classification Act of 1949 the benefits of salary increases in connection with the protection of basic compensation rates from the effects of downgrading actions (S. Rept. 864), and~~ H. R. 6141, to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the Federal Government (S. Rept. 862). p. 16776

~~Passed without amendment S. 2236, to authorize the Secretary of Commerce to employ aliens in a scientific or technical capacity. p. 16797~~

18. RECLAMATION. Received from Interior a report on the Waurika reclamation project, Okla., with accompanying papers; to Interior and Insular Affairs Committee. p. 16775

19. FOOD. Sen. Morse inserted a condensation of an address by Sen. Aiken, "Food -- America's Most Potent Weapon." pp. 16777-8

20. FOREIGN AID. Sen. Dworshak discussed foreign aid, saying, "The American workman has been sacrificed long enough on the altar of our foreign aid fallacy, which has only one answer to every problem: More American tax dollars with no strings attached." pp. 16786-7

Sen. Humphrey discussed the recent passage of the foreign aid authorization bill, saying, "this legislation provides the authority to the President for the United States to take the leadership in the march of the free nations across the threshold of a new era of social progress and economic development." pp. 16886-9

21. LEGISLATIVE PROGRAM. Sen. Mansfield announced that debate would begin Tues., Sept. 5, on the wilderness areas bill followed, later in the week, by consideration of the bill to provide for establishment of a Department of Urban Affairs and Housing, the bill to provide Federal aid to schools in federally impacted areas, and the Mexican farm labor bill. pp. 16897-81

22. ADJOURNED until Tues., Sept. 5. p. 16892

ITEMS IN APPENDIX

23. MANPOWER. Extension of remarks of Rep. Roosevelt stating that the proposed manpower development and training bill "is one, if not perhaps the most fundamental piece of legislation which this Congress will have the opportunity of approving," and inserting an article on this subject. p. A6924

24. CORN. Extension of remarks of Sen. Randolph stating that the nutritional importance of corn cannot be overemphasized and inserting an article paying tribute to the significance of corn in the American life. pp. A6925-6

25. FISH FARMING. Extension of remarks of Sen. Fulbright inserting an article, "Fish Farming Is Good Potential In Arkansas Rice Areas." pp. A6927-8

26. DAIRY RESEARCH. Extension of remarks of Sen. Wiley inserting an article expressing interest and enthusiasm for his proposed bill to establish a dairy research center to find new industrial and commercial uses for dariy products. p. A6929

27. FARM PROGRAM. Extension of remarks of Sen. Keating commending and inserting a statement by James B. Moore, National Apple Institute, "The Strength of American Agriculture." p. A6930

Extension of remarks of Sen. Fulbright inserting an article, "Farm Subsidy Plan Necessary To Keep Economy Vigorous," and stating that it is "one of the best reasoned statements in justification of our farm program." pp. A6933-4

Extension of remarks of Sen. Capehart inserting an article, "Needed: A Broader Agricultural Education." pp. A6939-41

BILLS INTRODUCED

28. FOREIGN TRADE. H. R. 9022, by Rep. Berry, to prohibit exports to Communist countries; to Interstate and Foreign Commerce Committee.

29. FOREIGN CURRENCIES. H. R. 9024, by Rep. Derwinski, to authorize the use of foreign currencies for repair and rehabilitation of certain cemetaries abroad; to Foreign Affairs Committee.

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COMMITTEE HEARINGS ANNOUNCEMENTS:
Sept. 5: Watershed projects, H. Agriculture (exec) and S. Agriculture (exec).
Foreign aid appropriations, S. Appropriations (exec).
Peace Corps bill, H. Foreign Affairs (exec).

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For supplemental information or copies of legislative material referred to, USDA personnel in Washington may call Ext. 4654 or send to Room 105-A.

Calendar No. 844

87TH CONGRESS
1st Session

SENATE

REPORT
No. 862

FORFEITURE OF CIVILIAN ANNUITIES AND MILITARY RETIRED PAY

SEPTEMBER 1, 1961.—Ordered to be printed

Mr. CLARK, from the Committee on Post Office and Civil Service, submitted the following

REPORT

[To accompany H.R. 6141]

The Committee on Post Office and Civil Service, to whom was referred the bill (H.R. 6141) to amend the act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such act, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF LEGISLATION

The purpose of this legislation is twofold: First, the measure continues, clarifies, and strengthens the prohibition contained in the act of September 1, 1954, as amended, against the payment of a civilian annuity or military retired pay to any person who has committed an offense against the national security of the United States or who refuses to testify before a duly constituted judicial or congressional proceeding in a matter relating to the national security.

Second, the measure restores civilian annuity benefits and military retired pay (including survivorship benefits to a number of widows and children) which, under the act of September 1, 1954, have been denied because of the commission of a variety of offenses in no way related to the national security.

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Explanation of Existing Law

The act of September 1, 1954, as amended, prohibits the payment of a civilian annuity or military retired pay to civilian employees or military personnel who are convicted of any of a long list of criminal offenses enumerated in the statute. The prohibition applies also to anyone under indictment for one of the crimes listed who, after July 31, 1956, willfully remains outside the United States for a period of 1 year or more in order to avoid prosecution.

It is to be noted that the act does not prohibit the payment of either an annuity or retired pay if both the offense or conviction and the award of the annuity or retired pay occurred before September 1, 1954. However, neither an annuity or retired pay awarded on or after September 1, 1954, may be paid regardless of the date the offense or conviction occurred. In cases where a civilian annuity is denied a refund of the individual's contributions to the retirement fund, with interest, may be made. In the case of a denial of military retired pay there is no deposit to be refunded.

In either situation, if the individual involved receives a Presidential pardon or is cleared by a subsequent decision of a higher court, the right to his civilian annuity or military retired pay is restored prospectively.

While the act applies equally to all retirement systems for civilian employees of the Government and the District of Columbia—including among others the systems applicable to the Foreign Service, Tennessee Valley Authority, and District of Columbia Teachers—the Civil Service Commission has been most involved in and concerned with its application. Exhibit A included as a part of this report lists the cases in which an annuity under the Civil Service Retirement Act was originally denied by the Civil Service Commission by reason of Public Law 769 from September 1, 1954, the date of its enactment through February 1, 1961. This exhibit shows, in summary, the following:

Exhibit A—Summary

1. Claims denied initially under Public Law 769	213
2. Claims subsequently allowed:	
(*a*) By Presidential pardon	28
(*b*) By Court of Claims decision	3
(*c*) By reconsideration of evidence	5
Subtotal	36
3. Claims still denied	177
4. Claims which would be allowed upon enactment of this measure	165
5. Claims which would continue to be denied because of offenses involving the national security	12

Exhibit B of this report lists 51 cases in which retired pay has been denied to military personnel by reason of Public Law 769.

Justification for Change

The original intent of legislation in this area was to deny the payment of a civilian annuity or retirement pay to a person who committed an offense involving the national security. However, because of a long series of amendments the act of September 1, 1954,

has gone far beyond this objective and has resulted in a serious miscarriage of justice by denying rightful benefits to former employees and military personnel and their survivors for reasons having no relation to the original purpose of the legislation.

H.R. 6141 will remedy this situation by providing for the restoration of civilian annuities and retired military pay to former employees and military personnel (including survivors) who have been denied such benefits under the act of September 1, 1954, on account of offenses not related to the national security. It will not permit the payment of a civilian annuity or military retired pay to any individual whose acts or omissions are related in any way to the national security of the United States.

Clear evidence has been developed in public hearings both in the House and in the Senate that the present law does not reflect our traditional sense of justice. A number of individuals have lost and others still in service are faced with the prospect of losing valuable benefits because of offenses not only minor in nature but in no way related to security. In many of the cases the courts did not even assess penalties, yet the individuals lost their annuities.

This denial of civilian annuity rights and military retired pay extends, also, to widows and children, who have lost valuable survivor annuities in some cases because their husbands or fathers committed offenses having nothing to do with the national security but coming within the purview of provisions of the act as it now stands.

The Civil Service Commission cited the following cases as typical examples of the harsh results of Public Law 769 on former civilian employees of the Government:

CASE NO. 1—EXHIBIT A

A postal clerk, after 36 years and 1 month of service was charged with embezzling $165 collected for parcel post mailing matter. He was removed from the service and indicted. The court, on considering all the evidence, imposed neither fine nor sentence but placed the former clerk on 3 years' probation.

Public Law 769 has imposed the added penalty of denial of an annuity actuarial value of $35,000.

CASE NO. 85—EXHIBIT A

A truckdriver for the Department of the Air Force, after serving 16 years and 1 month reached the mandatory retirement age of 70 and was separated April 30, 1956. In processing his civilian annuity, his military service during World War I came under scrutiny and it was found that he had been convicted by court-martial in 1918 of theft and selling a Government pistol while in the Army.

The penalty imposed by court-martial was dismissal from the service. Thirty-eight years later, Public Law 769 imposed the added penalty of denying him his civilian annuity with an actuarial value of $8,000, which he had earned through 16 years of honorable civilian service.

CASE NO. 92—EXHIBIT A

A Navy plasterer applied for retirement March 31, 1956, after 35 years and 4 months of service. In adjudicating his retirement claim, it was found that in August of 1946 he had been removed from his position for theft of Government property. He was tried, convicted, and sentenced to 1 hour in the custody of the U.S. marshal.

Public Law 769 imposed the added penalty of denial of an annuity with an actuarial value of $34,000.

Subsequently he received a Presidential pardon which allowed him to receive his earned annuity.

RESTITUTION TO THE GOVERNMENT

The committee desires to make it clear that, in any case where an employee's offense has resulted in indebtedness to the United States, the Government has full legal authority to obtain restitution by deducting any such indebtedness from retirement payments authorized by this bill. The following letter from the Civil Service Commission explains this right, and the enclosures referred to in the letter are in the committee files.

U.S. CIVIL SERVICE COMMISSION,
BUREAU OF RETIREMENT AND INSURANCE,
Washington, D.C., August 31, 1961.

Hon. JOSEPH S. CLARK,
Chairman, Retirement Subcommittee, Committee on Post Office and Civil Service, U.S. Senate.

DEAR SENATOR CLARK: In response to your specific request in connection with H.R. 6141, a bill to amend Public Law 83–769, denying Federal annuities to persons convicted of certain offenses against the United States, we present the following explanation of the existing right to collect a debt due the United States from annuity payable under the Civil Service Retirement Act.

In a long line of consistent decisions, the Comptroller General holds that money due the United States may be recovered from funds otherwise due and payable to the debtor under the Retirement Act. The right of the Government to apply retirement money to satisfy Government indebtedness has been upheld by the U.S. Circuit Court of Appeals for the Second Circuit on February 4, 1941, in the case of *Edward E. Boerner* v. *United States* (117 Fed. 2d 387), by the U.S. District Court for the Southern Division of the Northern District of Alabama on June 24, 1943, in the case of *Bryan Watson* v. *United States*, and by the U.S. District Court for the Southern District of New York on May 18, 1944, in the case of *Emilio Marrero* v. *United States*.

The various agencies are kept aware of the availability of retirement benefits for offset. Procedure respecting the filing of Government claim against retirement moneys otherwise due and payable is outlined for the agencies in the Federal Personnel Manual. Pages R–5–75 and 76 of the manual, covering this material, is enclosed for ready reference. Also enclosed is a copy of standard form 2805, the form specifically designed for requesting setoff against retirement money.

Sincerely yours,

ANDREW E. RUDDOCK, *Director.*

Legislative Background

This measure has a lengthy legislative history. The Eisenhower administration submitted draft legislation to the 86th Congress which was introduced in the Senate (S. 91) on January 9, 1959, and in the House (H.R. 4601) on February 17, 1959. The later bill passed the House and was referred to the Senate on April 14, 1959. The bill was considered in the Senate on May 12, 1960, and together with S. 91 was recommitted to this committee. On June 10, 1960, the bill (H.R. 4601) was again reported favorably without amendment to the Senate. However, it was not called up for further consideration during the 86th Congress.

Shortly after the 87th Congress convened, a number of bills identical to H.R. 4601 of the 86th Congress were introduced in the House. None was introduced in the Senate.

The House held public hearings on H.R. 6141 and related bills on June 13, 1961. On June 15, 1961, the bill was reported favorably and on July 12, 1961, it passed in the House without a word of opposition.

Hearings on the measure were held by the Retirement Subcommittee of the Senate Committee on Post Office and Civil Service on July 26, 1961.

Favorable testimony was received from the Bureau of the Budget, the Civil Service Commission, the Post Office Department, the Department of Defense, and representatives of many employee organizations. There was not a word of adverse testimony from any source.

Analysis of H.R. 6141

References to sections in the following analysis (except the last paragraph relating to sec. 2 of the bill) relate to sections of the act entitled "An act to prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes" (5 U.S.C. 2281–2288) as it would read after being amended by enactment of this measure.

section 1

This section carries out the objective of prohibiting the payment of a civilian annuity or military retired pay to any person convicted of offenses, or guilty of specified acts of omissions, relating to a matter involving the national security or the loyalty of the individual to the United States. This prohibition extends, also, to survivors of any such person.

The fulfillment of the objective of the bill required consideration of not only the act of September 1, 1954 (Public Law 769, 83d Cong.), but measures subsequently enacted such as the Atomic Energy Act of 1954, the Internal Security Act of 1950, and the Uniform Code of Military Justice, to the extent they prescribe loyalty offenses and penalties.

Offenses not specifically covered by Public Law 769, as now in effect, are made effective upon enactment of the bill. The offenses covered by Public Law 769, as now in effect, likewise are made effective upon enactment of the bill.

Subsection (a) spells out loyalty offenses in the present law, which are effective September 1, 1954, the date of enactment of Public Law 769. Subsection (b) spells out loyalty offenses effective from the date of enactment of this measure. These later offenses are of the same general character and seriousness as the former.

Offenses covered by bill

Following is a listing of the offenses covered by section 1 of the bill. A single asterisk denotes reenactment of existing provision of Public Law 769 without change; double asterisk denotes enactment of Public Law 769 with some change; unmarked sections are either new or taken from existing statutes other than Public Law 769.

Title 18, United States Code

Section

*792. Harboring or concealing person with knowledge or suspicion that he may commit or has committed offense under sections 793 or 794.
*793. Gathering, transmitting, or losing defense information.
*794. Gathering or delivering defense information to aid foreign government.
*798. Disclosing classified information.
*2151 to 2156 (ch. 105). Destroying war material, producing defective war material, interfering with war operations, etc.
*2381. Treason.
*2382. Misprision of treason.
*2383. Inciting or assisting rebellion or insurrection.
*2384. Engaging in seditious conspiracy.
*2385. Advocating overthrow of Government.
*2387. Interfering with or affecting morale, etc., of Armed Forces.
*2388. Interfering with Armed Forces during war.
*2389. Recruiting for service against United States.
*2390. Enlisting to serve against United States.

Title 42, United States Code (1952 Edition)

Section

*1810. With intent to injure United States or secure advantage to any foreign nation, acquiring, revealing, mutilating, etc., atomic energy documents, plans, etc.
**1816. Violating or conspiring to violate certain provisions of title 42 relating to atomic energy. (Covered in Public Law 769 whether or not there is intent to injure United States or secure advantage to foreign nation.)

Title 42, United States Code

Section

2272. Willfully violating or conspiring to violate specific code sections respecting atomic energy, with intent to injure United States or secure advantage to foreign nations.
2273. Willfully violating or conspiring to violate code sections respecting atomic energy generally, with intent to injure United States or secure advantage to foreign nation.
2274. Communicating restricted atomic energy data, with intent to injure United States or secure advantage to foreign nation.

2275. Acquiring or attempting to acquire restricted atomic energy data, with intent to injure United States or secure advantage to foreign nation.
2276. Tampering with restricted atomic energy data, with intent to injure United States or secure advantage to foreign nation.

Title 10, United States Code (Uniform Code of Military Justice)

Section
904. Aiding the enemy.
906. Spying.

Other sections involving certain statutory violations if sentence includes death, dishonorable discharge, or dismissal.

**Knowingly and willfully failing or refusing to appear, testify, or produce any paper with respect to his Government employment, before a Federal grand jury, Federal court, court-martial, or congressional committee, in any proceeding regarding his relationship with a foreign government or any matter involving any interference with or endangerment of the national security.

**Committing perjury (1) in falsely denying commission of offense covered in the bill, (2) in falsely testifying before a Federal grand jury, Federal court, or court-martial with respect to his Government employment involving interference with or endangerment of national security, or (3) in falsely testifying before a congressional committee involving interference with or endangerment of national security; also committing subornation of perjury in connection with another person's false denial along the same lines.

**Knowingly and willfully making false statement or concealing material fact, in connection with his employment or application for employment, regarding (1) his connections with the Communist Party or similar group, (2) his conviction of an offense described in the bill, or (3) his failure or refusal to appear and testify or produce paper as described.

**Willfully remaining outside the United States, its territories and possessions, and Puerto Rico for more than 1 year with knowledge of indictment for offense described in the bill or of outstanding charges preferred under the Uniform Code of Military Justice.

SECTION 2

This section is in three parts, because of the need to include certain security and loyalty offenses not covered by existing law.

Subsection (a) prohibits civilian annuities or military retired pay to persons refusing, on grounds of self-incrimination, to testify or produce documents, in proceedings relating to loyalty, or with respect to their relations with foreign governments. This continues present law, except as to offenses not involving loyalty.

Subsection (b) continues present law as to falsifying Communist or subversive associations or acts in applications or other related documents in connection with Federal service. It clarifies the matter of false oaths or statements after appointment, as in the case of subsequent security clearances.

Subsection (c) bars the payment of an annuity or retired pay to anyone who has made or makes any false, fictitious, or fraudulent statement or representation, or who conceals any material fact in connection with any offense referred to in section 1.

SECTION 3

This section repeats present law, as added by Public Law 854, 84th Congress, extending the prohibitions of Public Law 769, 83d Congress, to fugitives under indictment or charge for offenses within the purview of this act, and extends such provision to court-martial cases. The language was added in Public Law 854 at the request of the Department of Justice and its inclusion in this measure is recommended by the Department.

SECTION 4

This section reenacts and clarifies present law providing for refund of contributions made to retirement funds by persons who are denied annuities under the act. Interest on such refunds will be as provided by law or regulation covering the annuity system involved. This is a needed clarification of existing law.

Subsections (c) and (d) repeat and clarify present law under which a person denied an annuity is not required to refund any annuity payments, otherwise properly received before denial of the annuity, solely because such annuity payments exceed the total contributions to the retirement fund. This provision applies to survivor annuitants on the same basis.

SECTION 5

This section was requested by the military agencies to carry out the intent of present law which is not clearly spelled out, that military retired pay, as well as annuities, otherwise properly paid prior to denial for a violation of the act, do not have to be repaid.

SECTION 6

Subsection (a) continues present law authorizing restoration of civilian annuities or military retired pay after pardon by the President. Subsection (b), applies the same principle to annuities or retired pay denied for conviction of the offenses added by this bill and later restored by pardon.

Subsection (c) provides for payment of annuities in cases of conviction of offenses prescribed in the act when it is established that the conviction resulted from proper compliance with confidential orders—such as the case of an FBI agent who might not be able to offer in defense that he joined an organization as an undercover agent. One such case already has been reported by the Civil Service Commission.

SECTION 7

This section continues present law protecting accountable officers in cases of payments in violation of the act without fraud, collusion, or gross negligence on their part.

SECTION 8

This section continues present law authorizing the President to drop military personnel from the rolls if denied retired pay under the act. It adds authority to restore any such person to the roll if his retired pay is restored in accordance with the act. This merely spells out that which is implicit in present law. It is pointed out that the grant of this authority to the President in no way alters existing authority to correct administrative errors thereby restoring annuity or retired pay previously denied by erroneous administrative action.

SECTION 9

This section continues in effect any other laws authorizing the denial or withholding of annuity or retired pay authorized by law.

SECTION 10

This section contains definitions in line with present law, but clarifies and spells out the definition of annuity, and certain other matters, to eliminate problems arising from loose language in the present law relating to social security and other types of retirement benefits.

In general, the section specifies, by definition of the terms "officer or employee of the Government" and "Armed Forces," that the act applies to all civilian employees and military personnel of the United States, in the executive, legislative, and judicial branches of the Federal Government and the Government of the District of Columbia. With respect to the benefits affected by the provisions of the act, in general those benefits are restricted, by definition of the terms "annuity" and "retired pay," to retirement and survivor benefits, and benefits in the nature of retirement and survivor benefits, under any act of Congress where those benefits are based on periods of Federal service. However, the definitions exclude such benefits where granted before September 1, 1954, or (in the case of the new offenses specified) before enactment of the bill; exclude benefits under laws administered by the Veterans' Administration; and provide that where benefits are payable under an act of Congress based on service other than service as an "officer or employee of the Government," such benefits may be payable, but only on the basis of non-Federal service.

The term "annuity" is defined to include all retirement benefits (other than military retired pay, and benefits under laws administered by the Veterans' Administration) and survivor benefits under any Federal law, to the extent that Federal service is used in the computation of such benefits. The definition includes benefits such as those provided in the Civil Service Retirement Act, the Foreign Service Act of 1946, the retirement systems for police and firemen of the District of Columbia, and the like.

SECTION 11

This section provides that, notwithstanding a holding of invalidity of any provision of the amendment or of the application thereof to any person or circumstances, the remainder of the amendment, in-

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cluding the application of the provision with respect to which the holding of the invalidity shall have been made to other persons or other circumstances, shall not be affected by such holding of invalidity.

SECTION 12

This section was included at the request of the Department of Justice. It is technical in nature and makes no change in existing law. The purpose of the provision is to continue in effect the 5-year statute of limitations, with respect to offenses not capital, and that nothing contained in this bill shall change or otherwise affect the application of this 5-year statute of limitations as originally stated in the existing section 10(b) of the act of September 1, 1954, and as restated to the same effect in subsection (b) of this section.

Section 2 of H.R. 6141

Subsection (a) of this section restores the annuity benefits and retired pay to persons to whom they are now denied if after the enactment of this measure they would no longer be denied.

Subsection (b) of this section requires repayment to the Government of any contributions or deposits which have been refunded to such persons under existing law as a condition precedent to the granting of annuity rights.

Agency Views

Following are letters favoring the enactment of H.R. 6141 or similar legislation transmitted to the House Committee on Post Office and Civil Service where the measure originated by the U.S. Civil Service Commission, the Bureau of the Budget, the Department of Justice, the General Accounting Office, and the Department of the Air Force:

REPORT OF THE U.S. CIVIL SERVICE COMMISSION

U.S. Civil Service Commission,
Washington, D.C., June 2, 1961.

Hon. Tom Murray,
Chairman, Committee on Post Office and Civil Service,
House of Representatives,
Old House Office Building.

Dear Mr. Murray: This refers further to your request for Commission report on H.R. 6141, a bill to amend the act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such act, and for other purposes. This report is also applicable to H.R. 112, H.R. 1033, and H.R. 6286, similar bills.

The act of September 1, 1954 (better known as Public Law 769 of the 83d Cong.). as amended, probibi's the payment of Federal annuity or retired pay in cases of civilian employees or military personnal who are convicted of certain criminal offenses or who commit certain offenses which in effect constitute a breach of faith in matters involving their official duties.

Section 1 of the law lists various Federal crimes, conviction of any one of which bars annuity payments. Annuity is also forfeited by anyone under indictment for one of the listed crimes who, after July 31, 1956, willfully remains outside U.S. jurisdiction for over 1 year to avoid prosecution.

Section 2 of the law bars annuity for failure to appear, testify, or produce records, or for false or fraudulent statements, involving governmental matters—some with national security aspects, others with none. Section 2 has been held unconstitutional in part; the U.S. Court of Claims decided (*Steinberg* v. *United States*, 163 F. Supp. 590; *DeMayo* v. *United States; Smith* v. *United States*) that invocation of the fifth amendment to avoid self-incrimination is not a proper ground for denial of retirement or survivor annuities. In the basic *Steinberg* case, the court stated, "Congress in prescribing a punishment for persons who exercised a constitutional right has acted beyond the scope of the Constitution. * * * Section 2(a) of Public Law 769 * * * must not stand as a bar to plaintiff's annuity."

Public Law 769 does not destroy the annuity payment right if both the offense or conviction and the award of annuity occurred before September 1, 1954, but an annuity awarded on or after that date may not be paid regardless of the date the offense or conviction may have occurred. Where annuity is denied, a refund of the individual's contributions, with interest, may be paid. If an individual denied annuity for conviction of a listed crime receives a Presidential pardon, the right to annuity payments is restored prospectively.

While Public Law 769 has affected all retirement plans for Federal and District of Columbia employees—including among others the systems for Foreign Service and military personnel, and the social security system as it relates to Federal employees—the Commission in administering the Civil Service Retirement Act has probably been more involved than any other agency in its application.

In keeping with its responsibility, the Commission from time to time furnished the Post Office and Civil Service Committees of the House and Senate with detailed summaries of annuity claims denied under the Retirement Act as a result of Public Law 769. These summaries gave the factual circumstances in each case and showed the present value of annuity lost in comparison with the refund of contributions and interest payable in lieu of annuity.

The experience disclosed by Commission summaries, along with reports received from other sources, had by the beginning of the 85th Congress generated a feeling in Congress that the broad provisions of Public Law 769 had gone beyond the main original purpose, had produced inequities, and should be revaluated. Under a law designed primarily to prevent Federal annuities or retired pay to disloyal persons or subversives, many individuals had lost valuable annuities for offenses unrelated to national security.

The bulk of annuity denials under the Retirement Act were for convictions of offenses against the postal laws; in these and many other nonsecurity convictions where the court had imposed minimum penalties (a fine with suspended sentence, suspended sentence only, or the defendant placed on probation) the added punishment of loss of annuity produced unduly harsh results. In a number of cases the offense causing denial of annuity had occurred 25 years before passage

of Public Law 769. Losses of annuity extended also to innocent widows and children, in some cases simply because the husband or parent had committed an offense having nothing at all to do with loyalty or national security.

During the 85th Congress a draft bill to revise Public Law 769 was prepared by the Office of the House Legislative Counsel in collaboration with staff officials of the Commission. Technical assistance, to care for needs under the laws they administer, was secured from the Department of Defense, the Department of Health, Education, and Welfare, and the Railroad Retirement Board, and suggestions by the Department of Justice were sought and incorporated.

The resulting draft proposed amending Public Law 769 in its entirety to (1) limit its application to matters involving the national security, (2) retroactively remove the bar to annuity and retired pay for postal depredations and similar nonsecurity offenses, and (3) extend the bar to a limited number of loyalty offenses provided for by laws enacted after September 1, 1954.

The Commission offered this proposal as a substitute for bills in the 85th Congress which sought the repeal of Public Law 769 but no action resulted in that Congress. Early in the 86th Congress, the Commission resubmitted the draft measure (with minor clarifying changes) with recommendation for enactment. It was embodied in three bills, one of which, H.R. 4601, was passed by the House April 14, 1959. H.R. 4601 remained pending on the Senate Calendar until May 12, 1960, on which date it was debated and referred to the Senate Committee on Post Office and Civil Service. By Report No. 1544 of June 10, 1960, the committee reported H.R. 4601 back to the Senate without amendment and with recommendation for prompt and favorable consideration. However, H.R. 4601 was not again taken up in the 86th Congress.

H.R. 6141 is identical to H.R. 4601 as it was reported back to the Senate June 10, 1960. Thus, much of the material appearing in Senate Report No. 1544, copy enclosed, is adaptable to the current bills. The sectional analysis it contains applies to each of the bills, as does exhibit 1 of the report. Exhibit 4 of the report, together with the enclosed reports of annuities denied since May 1960, summarize all claims denied under the Retirement Act during the period September 1, 1954, through February 1961, with notations showing awards already restored (by pardon, court decision, and administrative reappraisal) and those which would and would not be restored by enactment of the proposal embodied in these bills. The overall effect of such enactment would be as follows:

Claims denied initially under Public Law 769	213
Claims later allowed:	
(*a*) By Presidential pardon	28
(*b*) By Court of Claims decision	3
(*c*) By reappraisal of evidence	5
Subtotal	36
Claims currently denied	177
Claims which would remain denied after enactment of proposal	12
Claims which would be allowed upon enactment of proposal	165

The Commission's position with respect to revision of Public Law 769 remains substantially as expresed in its report of May 19, 1960, contained in Senate Report No. 1544.

The Commission has agreed, and still agrees, that violations of law and other offenses involving the national security should abrogate any obligation on the part of the United States to pay annuity or retired pay based on the service of the offenders. We firmly believe, however, that the limitations should generally stop there.

With respect to the provisions of Public Law 769 which bar annuity payment because of lesser offenses, such as the postal depredation variety, the Commission is convinced revision is warranted. We want to make it clear that we do not condone any of the criminal actions which now result in denial of annuity. Neither do we think such crimes should go unpunished.

However, the existing criminal laws already provide for punishment consisting of a fine, or imprisonment, or both. The court, having heard all the evidence, appraises the seriousness of the crime and the degree of culpability of the perpetrator, and in its discretion imposes sentence. It does not appear proper to us that an additional civil penalty, consisting of a forfeiture of annuity which has a value ranging upward to amounts exceeding $50,000, should then be imposed.

We wish to emphasize that revision of Public Law 769 as proposed in these bills will not affect or alter existing procedure whereby the United States may recover by deduction from annuities any fines imposed and not paid or any amounts owing the Government by reason of the criminal acts of the individuals involved.

The Commission strongly recommends that the proposal embodied in H.R. 6141 be enacted into law.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

By direction of the Commission:

Sincerely yours,

JOHN W. MACY, JR., *Chairman.*

Enclosure 2114.

REPORT OF THE BUREAU OF THE BUDGET

EXECUTIVE OFFICE OF THE PRESIDENT,
BUREAU OF THE BUDGET,
Washington, D.C., June 2, 1961.

Hon. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service,
House of Representatives, Washington, D.C.

MY DEAR MR. CHAIRMAN: This will acknowledge your letter of April 13, 1961, regarding H.R. 6141 (H.R. 112, H.R. 1033, and H.R. 6286, identical or similar bills), to modify the so-called Hiss law.

In reply, you are advised that enactment of this legislation would be consistent with the administration's objectives.

Sincerely yours,

PHILLIP S. HUGHES,
Assistant Director for Legislative Reference.

REPORT OF THE DEPARTMENT OF JUSTICE

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., June 15, 1961.

Hon. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: This is in response to your letter of June 14 in which you asked for the views of the Department of Justice as to whether the amendment of Public Law 769 of the 83d Congress (the "Hiss Act") by H.R. 6141 would strengthen the provisions of the act which deny annuities and retired pay to persons convicted of national security offenses.

It is the view of the Department of Justice that the bill would, by clarifying existing law and by specifying additional provisions of law relating to security and loyalty the violation of which would be covered by the act, materially strengthen Public Law 769 in denying retirement pay to those who have committed offenses detrimental to national security.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely yours,

BYRON R. WHITE,
Deputy Attorney General.

REPORT OF THE GENERAL ACCOUNTING OFFICE

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, April 25, 1961.

B–115505.

Hon. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service,
House of Representatives.

DEAR MR. CHAIRMAN: Your letter of April 13, 1961, acknowledged April 14, requests our views on H.R. 6141.

The bill would amend the act of September 1, 1954, as amended (5 U.S.C. 2281–2288), so as to remove therefrom those provisions which prohibit payment of annuities and retired pay to persons who have committed offenses, acts, or omissions which do not involve the security of the United States; also there would be added to the coverage of the statute, certain offenses relating to the security of the United States including offenses of that nature under the Uniform Code of Military Justice.

Section 2(a) of the bill would provide for the restoration of annuities or retired pay (retroactive to September 1, 1954, the effective date of the statute) to persons who would have had the right to receive such annuities or retired pay if the act of September 1, 1954, had not been enacted, unless, under the restatement of such act, the payment of such annuities or retired pay is still prohibited.

We understand that under the present law retired pay or annuities have been denied in numerous cases because of convictions of offenses primarily dealing with embezzlements and with theft or rifling of the

mails. In some cases the employees involved were reemployed in the Government service subsequent to their conviction and have rendered faithful service for many years. Many members of the Armed Forces are tried by courts-martial and given appropriate punishment such as reprimands or small fines for minor infractions of the rules. The conviction by court-martial of a member of the uniformed services under the Uniform Code of Military Justice of an offense which is of a civil nature and is punishable by death or by confinement exceeding 1 year is a conviction of a felony under the laws of the United States within the meaning of section 1 of the act of September 1, 1954. The duration of the sentence of confinement actually imposed or served is immaterial. See attached copy of our decision of January 4, 1961, R–144649, and the decisions there cited.

It is fairly evident that Public Law 769 (83d Cong.) has created inequities which were not intended or foreseen at the time of the enactment of this statute. The bill, H.R. 6141, would correct such inequities but still leave intact the provisions prohibiting the payment of annuities or retired pay in cases involving treason, espionage, sabotage, sedition, and subversive activities. We favor enactment of the proposed legislation.

In our reports to your committee dated February 1, 1961, B–115505, on H.R. 112 and H.R. 1033, 87th Congress, the provisions of which are substantially the same as those contained in H.R. 6141, we suggested that consideration be given to amending those bills to provide that refund of deposits made under the Uniformed Services Contingency Option Act of 1953 (10 U.S.C. 1438), would be governed by the provisions of title 10, United States Code, section 2771, where applicable. It is noted that H.R. 6141 makes such provision.

As a technical matter, the word "person" appearing in line 4, page 11 of H.R. 6141, apparently should read "period."

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, January 4, 1961.

B–144649.

Maj. JOHN A. RAPP,
Disbursing Officer
(Through Commandant, Headquarters, U.S. Marine Corps).

DEAR MAJOR RAPP: By first endorsement dated December 14, 1960, the Commandant of the Marine Corps forwarded here your letter of December 14, 1960, with enclosures, requesting a decision whether CWO Joseph M. Wray, Jr., O10011, U.S. Marine Corps, retired, is precluded from entitlement to retired pay by reason of the provisions of the act of September 1, 1954 (68 Stat. 1142), in view of his conviction by general court-martial on June 30, 1952, of violation of article 121 of the Uniform Code of Military Justice. The request for decision was assigned submission No. DO–MC–547 by the Department of Defense Military Pay and Allowance Committee.

It is reported that one of the specifications for violation of article 121 was that the member, while on duty at Headquarters Squadron, U.S. Marine Corps Air Station, El Toro, Calif., "did, at said air station, on or about December 7, 1951, steal currency of the United States of America, of a value of $500, the property of the Marine Corps Exchange at the said air station" and that at that time the member was assistant exchange officer of the exchange from which the currency was stolen. It is further reported that the member was transferred to the retired list on September 1, 1954, under section 6 of the act of February 21, 1946 (34 U.S.C. 410(b) (1952 ed.)); that his request for retirement "effective on or about September 1, 1954," was approved by the Secretary of the Navy on June 21, 1954, and that he has been paid retirement pay from September 1, 1954, through November 30, 1960.

Section 1 of the act of September 1, 1954 (68 Stat. 1142, 5 U.S.C. 2282), provides in part as follows:

"* * * That there shall not be paid to any person convicted prior to, on, or after the date of enactment of this Act of any of the following offenses described in this section, or to the survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or the date of enactment of this Act, whichever is later, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government.

* * * * * * *

"(2) Any offense (not including any offense within the purview of section 13 of title 18 of the United States Code) which is a felony under the laws of the United States or of the District of Columbia (A) commited in the exercise of his authority, influence, power, or privileges as an officer or employee of the Government * * *."

Clause (3) of section 6 of the 1954 law provides that the term "retired pay" does not include the retired pay of any person to whom any such pay has been awarded or granted prior to September 1, 1954, insofar as concerns the conviction of such persons, prior to such date, of any offense specified in the first section of the act, or the commission by any such person, prior to such date, of any violation of section 2 of the act.

The conviction by court-martial of a member of the uniformed services under the Uniform Code of Military Justice of an offense which is of a civil nature and is punishable by death or by confinement exceeding 1 year is a conviction of a felony under the laws of the United States within the meaning of the above-quoted portion of the act of September 1, 1954. The duration of the sentence to confinement actually imposed or served is immaterial. (See 35 Comp. Gen. 302; B–127022, May 11, 1956, B–137010, October 16, 1958, B–125744, July 30, 1959.) Paragraph 127*c* of the Manual for Courts-Martial (1951 ed.) provides a maximum confinement of not to exceed 5 years for the violation of article 121 of the Uniform Code of Military Justice. Section 22–2201 of the District of Columbia Code (1951 ed.) provides that whoever shall feloniously take and carry away anything of the value of $50 (now $100), including things savoring of the realty, shall suffer imprisonment "for not less than one nor more than ten

years." It follows that the offense for which the member was convicted must be regarded as a felony within the meaning of that term as used in clause 2 of section 1 of the act of September 1, 1954. The character of the offense is not affected by the fact that the funds involved were nonappropriated funds belonging to the Marine Corps Exchange. Also, since your letter indicates that at the time of the offense the member was assigned as the assistant exchange officer of the exchange from which the currency was stolen, we find no basis for concluding that the offense was not committed in the exercise of his "authority, influence, power, or privileges as an officer or employee of the Government."

Your letter suggests an additional question as to whether payment of retired pay is barred because the prohibition contained in the 1954 act does not apply in the case of offenses of the nature here involved where the retired pay "has been awarded or granted prior to the date of enactment of this Act." As indicated above, the member requested retirement to be effective on or about September 1, 1954, and retirement on the date mentioned was approved by the Secretary of the Navy on June 21, 1954. Secretarial approval of retirement effective on a particular date, however, does not give the member concerned any vested right to retired pay prior to that effective date. The purpose of the exclusion of retired pay awarded or granted prior to the date of enactment of the 1954 act from the prohibition features of the act is explained in House Report No. 2488 to accompany H.R. 9909, 83d Congress, 2d session. (See U.S. Code Congressional and Administrative News, p. 3910.) In referring to this particular feature of the bill, the report states that "It will not cut off retired pay or annuities which already are vested rights on the date of enactment; that is, annuities or retired pay which presently are being received by annuitants or retired persons or their survivors." It must be concluded, therefore, that retired pay accruing incident to a retirement approved prior to but effective on or after the date of the act is within the prohibition provisions of the act.

Accordingly, we must reach the conclusion that, under the law as it now is, payment of retired pay to Chief Warrant Officer Wray is not authorized.

Very truly yours,

FRANK H. WEITZEL,
Assistant Comptroller General of the United States

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, February 1, 1961.

B-115505.

Hon. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service,
House of Representatives.

DEAR MR. CHAIRMAN: Your letter of January 5, 1961, acknowledged January 9, requests our views on H.R. 112.

The bill would amend the act of September 1, 1954, as amended (5 U.S.C. 2281–2288), so as to remove therefrom those provisions

which prohibit payment of annuities and retired pay to persons who have committed offenses, acts, or omissions which do not involve the security of the United States; also, there would be added to the coverage of the statute, certain offenses relating to the security of the United States including offenses of that nature under the Uniform Code of Military Justice.

Section 2(a) of the bill would provide for the restoration of annuities or retired pay (retroactive to September 1, 1954, the effective date of the statute) to persons who would have had the right to receive such annuities or retired pay if the act of September 1, 1954, had not been enacted, unless, under the restatement of such act, the payment of such annuities or retired pay is still prohibited.

We understand that under the present law annuities or retired pay in numerous cases have been denied because of convictions of offenses primarily dealing with embezzlements and with theft or rifling of the mails. In some cases the employees involved were reemployed in the Government service subsequent to their conviction and have rendered faithful service for many years. Many members of the Armed Forces are tried by courts-martial and given appropriate punishment such as reprimands or small fines for minor infractions of the rules. The conviction by court-martial of a member of the uniformed services under the Uniform Code of Military Justice of an offense which is of a civil nature and is punishable by death or by confinement exceeding 1 year is a conviction of a felony under the laws of the United States within the meaning of section 1 of the act of September 1, 1954. The duration of the sentence to confinement actually imposed or served is immaterial. See attached copy of our decision of January 4, 1961, B–144649, and the decisions there cited.

It is fairly evident that Public Law 769 has created inequities which were not intended or foreseen at the time of the enactment of the statute. The bill, H.R. 112, would correct such inequities but still leave intact the provisions prohibiting the payment of annuities or retired pay in cases involving treason, espionage, sabotage, sedition, and subversive activities. In the circumstances we favor enactment of the proposed legislation.

It will be noted that under the provisions of section 5(b) of the bill (pp. 15 and 16), deposits made under the Uniformed Services Contingency Option Act of 1953 (10 U.S.C. 1438) (to provide the eligible beneficiary of a member of the uniformed services with an annuity), would be refundable in accordance with section 4(a). Section 4(a) provides, among other things (at pp. 13 and 14), that where no designation has been made by the deceased person to receive the refund, the order of precedence prescribed in section 11(c) of the Civil Service Retirement Act (5 U.S.C. 2261(c)) will govern. Since the deposits in question are contingent on the member's entitlement to retired or retainer pay, and in order to avoid any ambiguity that might arise in the future, the committee may wish to give consideration to including a reference to title 10, United States Code, section 2771, the order of precendence prescribed in the settlement of accounts of deceased members of the Armed Forces. This we believe could be accomplished by placing a comma after title 5, United States Code, section 2261(c) on page 14, line 4 of the bill, and insert the following "or 10 U.S.C. 2771 as applicable."

The provisions of H.R. 112 are substantially identical with those contained in H.R. 4601, 86th Congress, which passed the House of Representatives on April 14, 1959. H.R. 4601 was the subject of our report of May 18, 1960, B–115505, to the chairman, Committee on Post Office and Civil Service, U.S. Senate. We favored the enactment of H.R. 4601.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

REPORT OF THE DEPARTMENT OF THE AIR FORCE

DEPARTMENT OF THE AIR FORCE,
Washington, June 14, 1961.

Hon. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service,
House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H.R. 1033, 87th Congress, a bill to amend the act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such act, and for other purposes. The Secretary of Defense has delegated to the Department of the Air Force the responsibility for expressing the views of the Department of Defense.

The purpose of the bill is generally as stated in the title: "To amend the Act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such Act, and for other purposes".

The Department of the Air Force, on behalf of the Department of Defense, strongly recommends the early enactment of H.R. 1033 due to the serious morale problems raised within the Department of Defense by the act of September 1, 1954, chapter 1214, as amended (5 U.S.C. 2281 et seq.), the so-called Hiss Act.

The act of September 1, 1954, supra, prohibits payment of any Federal annuity or retired pay to any person or survivor or beneficiary of such person who is convicted of an offense under that act; i.e., bribery, graft, espionage, sabotage, treason, sedition, subversive activities, as well as offenses which are felonies under the laws of the United States committed in connection with the improper exercise of the authority, influence, power, or privileges of such a person in his position as an officer or employee of the Government. The subject bill would amend that act to restrict the application to cases involving the national security.

The following examples will illustrate the harsh effect which the act of September 1, 1954, supra, has had and will continue to have on members of the Armed Forces unless remedial action is taken.

(*a*) Sergeant H. was convicted by a deck court on August 18, 1947. All that appears in the records reflecting this conviction are two lines in his service record:

"2nd Spec: Unauthorized use of a government vehicle.
"2nd Spec: Proved by plea."

Sergeant H., now ready to retire, finds that for his minor offense he has lost retirement pay valued at $38,922.

(*b*) Chief Warrant Officer P. was charged with several specifications. By a pretrial agreement, Chief Warrant Officer P. pled guilty on condition that the sentence approved by the convening authority would not exceed a reprimand and a forfeiture of $400. Chief Warrant Officer P. now finds that by pleading guilty he has fallen within the scope of the act of September 1, 1954, supra, and will lose retirement pay estimated to be worth over $103,000.

(*c*) The case of Sergeant K. presents another example of the harshness of the effects of this statute. In August 1959, Sergeant K. was convicted by a summary court-martial of presenting a false claim against the United States. The value of that claim was $3. Because of that petty offense, Sergeant K. when eligible to retire will lose entitlement to retired pay of an estimated value of $69,300.

The harshness resulting from the act of September 1, 1954, supra, was never intended by the Congress. If remedial action is not taken it will undoubtedly have a drastic effect on the morale of our Armed Forces. As in the case of Chief Warrant Officer P. above, even the attorneys in the case evidently did not realize that a pleas of guilty would result in a loss of retirement pay valued at over $103,000.

In order to maintain discipline, many members of the Armed Forces are tried by courts-martial and given appropriate punishment such as reprimands or small fines for minor infractions of the rules. However, to apply the act of September 1, 1954, supra, to these cases is in our judgment a gross injustice to the man and his family.

In other more serious types of offenses, because of the youth and immaturity of the individual, the armed services seek to rehabilitate such an individual rather than to send him back to society with the stigma of a punitive discharge. To illustrate, there is the case of Sergeant Major X. Back in 1923 X., then a private, was charged with embezzlement and found guilty by general court-martial. Now, 37 years later, after outstanding service and reaching E–9, the highest enlisted grade possible in our Armed Forces, Sergeant Major X. is told that he cannot collect his retired pay because 37 years ago, in his youth and immaturity, he committed an offense for which he was found guilty.

The Department of Defense has made a survey to determine the number of persons who are denied retired pay based upon their military service because of the operation of the so-called Hiss Act but who would be entitled to that pay if H.R. 1033 is enacted. It should be noted that an accurate figure would have required an examination of individual personnel records and a legal determination as to the applicability of the so-called Hiss Act. This, of course, would have been extremely costly and time consuming. The following, however, appears from the survey:

(*a*) *Army.*—Twenty-four have been denied retired pay because of the so-called Hiss Act. All would be entitled to that pay if H.R. 1033 is enacted. It is estimated that 33 persons who retire during

the 87th Congress will be similarly denied retired pay. It is the "past experience" of the Army that "1 out of every 1,000 persons retired is affected by the so-called Hiss Act in its present status."

(*b*) *Navy.*—Three have been denied retired pay because of the so-called Hiss Act. Four enlisted members were discharged instead of being transferred to the Fleet Reserve upon their completion of the service required for such transfer because of that act. All would be entitled to retired pay if H.R. 1033 is enacted. According to the Navy, "it is suspected that hundreds of cases exist wherein members may be subject to loss of retirement pay because of the Hiss Act in its present form. Other than by a manual examination of thousands of records, however, there exists no way of documenting this suspicion."

(*c*) *Marine Corps.*—Three have been denied retired pay because of the so-called Hiss Act. All would be entitled to that pay if H.R. 1033 is enacted. According to the Marine Corps, about 50 members may become eligible for retirement during the 87th Congress but may lose their retirement benefits because of the so-called Hiss Act.

(*d*) *Air Force.*—Three have been denied retired pay because of the so-called Hiss Act. According to the Air Force, "approximately 575 Air Force members who will become eligible for retirement during the 87th Congress could be affected by * * * (the so-called Hiss Act) for offenses committed in the past."

A similar bill (H.R. 4601, 86th Cong.) passed the House of Representatives on April 14, 1959.

The so-called Hiss Act has also had an unintended effect on civilian employees of the Department of Defense. The following examples involve civilians who committed offenses while employed by the Post Office Department, but were last employed by the Department of the Air Force:

(*a*) A stock control clerk was found guilty of misappropriation of postal funds while employed by the Post Office and removed by that Department on February 24, 1923. He was reemployed intermittently from February 1942 until his retirement on July 31, 1959, after a total of 22 years and 2 months of Federal service. His retirement annuity valued at $18,000 has been denied since he was convicted and served 6 months in prison for a felony committed 36 years prior to retirement. This annuity would be restored under H.R. 1033.

(*b*) A production controller, while employed by the Post Office Department as postmaster, was charged with embezzlement in 1924 and sentenced to 2 years in prison on October 23, 1924. He was reemployed from December 17, 1942, until time of mandatory retirement on June 30, 1958. His retirement annuity, valued at $21,000, has been denied by the act of September 1, 1954, supra.

(*c*) A guard supervisor, while an employee of the Post Office Department, was charged with embezzlement of postal funds and separated on December 8, 1937. He was placed on probation for 5 years and reemployed in the Federal Government from March 16, 1938, until his retirement on December 31, 1958. His retirement annuity, valued at $32,000, has been denied by the act of September 1, 1954, supra.

In view of the harsh effect of the so-called Hiss Act and the fact that it will, as indicated above, have that effect in an increasing number of cases during the 87th Congress, the Department of Defense vigorously supports the enactment of H.R. 1033 and urges that it be given early consideration by the Congress.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

EUGENE M. ZUCKERT,
Secretary of the Air Force

DEPARTMENT OF THE AIR FORCE,
Washington, June 14, 1961.

Hon. TOM MURRAY,
Chairman, Committee on Post Office and Civil Service, House of Representatives.

DEAR MR. CHAIRMAN: Reference is made to your request to the Secretary of Defense for the views of the Department of Defense with respect to H.R. 1042, 87th Congress, a bill to repeal Public Law No. 769 of the 83d Congress, entitled "An act to prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes." The Secretary of Defense has delegated to the Department of the Air Force the responsibility for expressing the views of the Department of Defense.

H.R. 1042, if enacted, would repeal Public Law 769, 83d Congress (68 Stat. 1142).

The purpose of Public Law 769, 83d Congress (68 Stat. 1142) is to prohibit payment of any Federal annuity or retired pay to any person (or survivor or beneficiary of such person) who is convicted of an offense coming within its provisions. The offenses relate to bribery, graft, claims and services in matters affecting government, contracts, espionage and censorship, offenses involving the postal service, sabotage, treason, sedition, and subversive activities, as well as offenses which are felonies under the laws of the United States or of the District Columbia committed in connection with the improper exercise of the authority, influence, power, or privileges of such a person in his position as an officer or employee of the Government. Perjury and subornation of perjury committed in connection with these offenses also forms the basis for denial of such annuities or retired pay.

Public Law 769 also prohibits such annuities or retired pay for any officer or employee who refuses on grounds of self-incrimination to appear, testify, or produce any document in a proceeding before a

Federal grand jury, court of the United States, or congressional committee with respect to his past or present relationship with a foreign government; or to anyone who makes false statements or representations or who conceals any material fact with respect to his past or present membership in, affiliation or association with, or support of the Communist Party or other similar organizations, convictions of offenses described above, etc.

Public Law 769 has resulted in a serious problem and inequity and should be amended. A bill, H.R. 1033, 87th Congress, is designed to amend Public Law 769 in such a way that, inter alia, the application of the law would be restricted to persons convicted of crimes bearing upon loyalty to the United States or national security.

The Department of Defense believes that outright repeal of Public Law 769 is not desirable. It is the opinion of this Department that any Federal official, employee, or member of the Armed Forces who is convicted of disloyal or subversive acts, and whose employment in the civil service or his retention in the Armed Forces is precluded because of such acts should be denied Federal retirement and annuity benefits. Accordingly, the Department of Defense favors amendment, along the lines of H.R. 1033, rather than outright repeal of Public Law 769 and urges early consideration of amending legislation by the 87th Congress.

The enactment of H.R. 1042, 87th Congress, would result in no increase in the budgetary requirements of the Department of Defense.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Bureau of the Budget advises that, from the standpoint of the administration's program, there is no objection to the presentation of this report for the consideration of the committee.

Sincerely,

EUGENE M. ZUCKERT,
Secretary of the Air Force.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF SEPTEMBER 1, 1954 (68 STAT. 1142)

[That there shall not be paid to any person convicted prior to, on, or after the date of enactment of this Act of any of the following offenses

described in this section, or to the survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or the date of enactment of this Act, whichever is later, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government:

[(1) Any offense defined in section 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 217, 218, 219, 220, 221, 222, or 223 of chapter 11 (relating to bribery and graft), section 281, 282, 283, 284, 285, 286, or 287 of chapter 15 (relating to claims and services in matters affecting government), section 434, 435, 436, 441, 442, or 443 of chapter 23 (relating to contracts), chapter 37 (relating to espionage and censorship), section 1700, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1711, or 1712 of chapter 83 (relating to offenses involving the postal service), chapter 105 (relating to sabotage), or chapter 115 (relating to treason, sedition, and subversive activities) of title 18 of the United States Code or in section 10 or 16 of the Atomic Energy Act of 1946 (42 U.S.C., secs. 1810 and 1816);

[(2) Any offense (not including any offense within the purview of section 13 of title 18 of the United States Code) which is a felony under the laws of the United States or of the District of Columbia (A) committed in the exercise of his authority, influence, power, or privileges as an officer or employee of the Government, or (B) committed after the termination of his service as an officer or employee of the Government but directly involving, directly resulting from, or directly relating to, the improper exercise of his authority, influence, power, or privileges during any period of his service as such an officer or employee;

[(3) Perjury committed under the laws of the United States or of the District of Columbia (A) in falsely denying the commission of an act which constitutes any of the offenses described in paragraph (1) or (2) of this section, (B) in falsely testifying before any Federal grand jury or court of the United States with respect to his service as an officer or employee of the Government, or (C) in falsely testifying before any congressional committee in connection with any matter under inquiry before such congressional committee; or subornation of perjury committed in connection with the false denial or false testimony of another person as specified in this paragraph;

[(4) Any offense defined in section 833, 861, or 862 of the Act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901 (31 Stat. 1325, 1330; D.C. Code, 1951 edition, secs. 22–1201, 22–701, 22–703); or in the second paragraph under the subheading "FOR EXECUTIVE OFFICE" under the caption "GENERAL EXPENSES" in the first section of the Act entitled "An Act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (32 Stat. 591; D.C. Code, 1951 edition, sec. 22–702).

[SEC. 2. (a) There shall not be paid to any person who has failed or refused, or fails or refuses, prior to, on, or after the date of enactment of this Act, upon the ground of self-incrimination, to appear, testify, or produce any book, paper, record, or other document, with respect to his service as an officer or employee of the Government or with respect to any relationship which he has had or has with a foreign government, in any proceeding before a Federal grand jury,

court of the United States, or congressional committee, or to the survivor or beneficiary of such person, for any period subsequent to the date of such failure or refusal of such person or the date of enactment of this Act, whichever is later, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government.

[(b) There shall not be paid to any person who, prior to, on, or after the date of enactment of this Act, knowingly and willfully has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, has concealed or conceals any material fact, with respect to his—

[(1) past or present membership in, affiliation or association with, or support of the Communist Party, or any chapter, branch, or subdivision thereof, in or outside the United States, or any other organization, party, or group advocating (A) the overthrow, by force, violence, or other unconstitutional means, of the Government of the United States, (B) the establishment in the United States of a Communist totalitarian dictatorship, or (C) the right to strike against the Government of the United States;

[(2) conviction of any offense described in the first section of this Act; or

[(3) failure or refusal to appear, testify, or produce any book, paper, record, or other document as specified in subsection (a) of this section,

for any period subsequent to the date of enactment of this Act or the date on which any such statement, representation, or concealment of fact is made or occurs, whichever is later, in connection with his application for an office or position in or under the executive, legislative, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government.

[(c) In any case in which, after the date of enactment of this subsection, any person under indictment for any offense within the purview of the first section of this Act willfully remains outside the United States, its Territories, and possessions, for a period in excess of one year with knowledge of such indictment, no annuity or retired pay shall be paid, for any period subsequent to the end of such one-year period to such person or to the survivor or beneficiary of such person, on the basis of the service of such person, as an officer or employee of the Government unless and until a nolle prosequi to the entire indictment is entered upon the record or such person returns and thereafter the indictment is dismissed or after trial by court the accused is found not guilty of the offense or offenses charged in the indictment.

[SEC. 3. Any amounts contributed by any such person toward the annuity the benefits of which are denied under this Act, less any sums previously refunded or paid as annuity benefits, shall be returned to such person, upon appropriate application therefor, with interest to the date of his conviction of any offense described in the first section of this Act or of the commission by him of any violation of section 2 of this Act, as the case may be, or the date of enactment of this Act, whichever is later, at such rates as may be provided in the case of refunds under the law, regulation, or agreement under which the

annuity is payable, or if no such rates are so provided at the rate of 4 per centum per annum to December 31, 1947, and 3 per centum per annum thereafter, compounded on December 31 of each year. Such person shall not be required to repay any annuity properly received by him which is in excess of the amount of his own contributions with interest. In the event a person entitled to a refund under this section dies prior to the making of such refund, the refund shall be made to such person or persons as may be provided in the case of refunds under the law, regulation, or agreement under which the annuity the benefits of which are denied under this Act is payable or, if no such provision is made, in the order of preference prescribed in section 12(e) of the Civil Service Retirement Act of 1930, as amended.

[SEC. 4. The right to receive an annuity or retired pay shall be deemed restored to any person convicted, prior to, on, or after the date of enactment of this Act, of an offense which is specified in the first section of this Act or which constitutes a violation of section 2 of this Act, for which he is denied an annuity or retired pay, to whom a pardon of such offense is granted by the President of the United States, prior to, on, or after the date of enactment of this Act, and to the survivor or beneficiary of such person. Such restoration of the right to receive an annuity or retired pay shall be effective as of the date on which such pardon is granted. Any amounts refunded to such person under section 3 of this Act shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made for any period prior to the date on which such pardon is granted.

[SEC. 5. No accountable officer of the Government of the United States or of the government of the District of Columbia shall be held responsible for payments made in violation of the first section or section 2 of this Act when such payments are made in due course and without negligence.

[SEC. 6. As used in this Act—

[(1) The term "officer or employee of the Government" includes an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States, a Member of or Delegate to Congress, a Resident Commissioner, an officer or employee of the government of the District of Columbia, and a member or former member of the Armed Forces of the United States, including the Regular and Reserve components thereof, the Fleet Reserve, the Fleet Marine Corps Reserve, the Coast and Geodetic Survey, and the Public Health Service.

[(2) The term "annuity" means any retirement benefit (other than any benefit provided under laws administered by the Veterans' Administration) payable by any department or agency of the Government of the United States or the government of the District of Columbia upon the basis of service as a civilian officer or employee, except that such term does not include salary or compensation which may not be diminished under section 1 of article III of the Constitution or, in the case of a benefit payable under the Social Security Act, as amended, any portion of such benefit not based upon service as an officer or employee of the Government of the United States or the government of the District of Columbia. The term "annuity" does not include any retirement benefit of any person to whom such benefit has been awarded or granted prior to the date of enactment

of this Act insofar as concerns the conviction of such person, prior to such date, of any offense specified in the first section of this Act, or the commission by such person, prior to such date, of any violation of section 2 of this Act.

[(3) The term "retired pay" means retired pay, retirement pay, retainer pay, or equivalent pay (other than any benefit provided under laws administered by the Veterans' Administration), payable under any law of the United States to members or former members of the Armed Forces of the United States, including the Regular and Reserve components thereof and the Fleet Reserve and the Fleet Marine Corps Reserve, the Coast and Geodetic Survey, and the Public Health Service. The term "retired pay" does not include the retired pay, retirement pay, retainer pay, or equivalent pay of any person to whom any such pay has been awarded or granted prior to the date of enactment of this Act insofar as concerns the conviction of such person, prior to such date, of any offense specified in the first section of this Act, or the commission by such person, prior to such date, of any violation of section 2 of this Act.

[SEC. 7. This Act shall not be construed as restricting authority under any other provision of law to deny or withhold benefits authorized by law.

[SEC. 8. The President may drop from the rolls any member of the Armed Forces, including the Regular and Reserve components thereof, the Fleet Reserve, and the Fleet Marine Corps Reserve, and any member of the Coast and Geodetic Survey or of the Public Health Service, who is deprived of retired pay under the provisions of this Act.

[SEC. 9. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

[SEC. 10. (a) Section 3282 of title 18 of the United States Code is amended by striking out "three" and inserting in lieu thereof "five".

[(b) The amendment made by subsection (a) shall be effective with respect to offenses (1) committed on or after the date of enactment of this Act, or (2) committed prior to such date, if on such date prosecution therefor is not barred by provisions of law in effect prior to such date.]

That (a) there shall not be paid to any person convicted, prior to, on, or after September 1, 1954, under any article or provision of law specified or described in this subsection, of any offense within the purview of such article or provision to the extent provided in this subsection, or to any survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or subsequent to September 1, 1954, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10(2) and (3) of this Act) which is creditable toward such annuity or retired pay—

(1) any offense within the purview of—

(A) section 792 (harboring or concealing persons), 793 (gathering, transmitting, or losing defense information), 794 (gathering or delivering defense information to aid foreign government), or 798 (disclosure of classified information), of

chapter 37 (relating to espionage and censorship) of title 18 of the United States Code.

(B) chapter 105 (relating to sabotage) of title 18 of the United States Code.

(C) section 2381 (treason), 2382 (misprision of treason), 2383 (rebellion or insurrection), 2384 (seditious conspiracy), 2385 (advocating overthrow of government), 2387 (activities affecting armed forces generally), 2388 (activities affecting armed forces during war), 2389 (recruiting for service against United States), or 2390 (enlistment to serve against United States), of chapter 115 (relating to treason, sedition, and subversive activities) of title 18 of the United States Code,

(D) section 10(b)(2), 10(b)(3), or 10(b)(4) of the Atomic Energy Act of 1946 (60 Stat. 766, 767; 42 U.S.C., 1952 edition, sec. 1810(b) (2), (3), and (4)), as in effect prior to the enactment of the Atomic Energy Act of 1954 by the Act of August 30, 1954 (68 Stat. 919; Public Law 703, Eighty-third Congress; 42 U.S.C. 2011–2281),

(E) section 16(a) or 16(b) of the Atomic Energy Act of 1946 (60 Stat. 773; 42 U.S.C., 1952 edition, sec. 1816 (a) and (b)) as in effect prior to the enactment of the Atomic Energy Act of 1954 by the Act of August 30, 1954, insofar as such offense under such section 16(a) or 16(b) is committed with intent to injure the United States or with intent to secure an advantage to any foreign nation, or

(F) any prior provision of law on which any provision of law specified in subparagraph (A), (B), or (C) of this paragraph is based;

(2) any offense within the purview of—

(A) article 104 (aiding the enemy) or article 106 (spies) of the Uniform Code of Military Justice (chapter 47 of title 10 of the United States Code) or any prior article on which such article 104 or article 106, as the case may be, is based, or

(B) any current article of the Uniform Code of Military Justice (or any prior article on which such current article is based) not specified or described in subparagraph (A) of this paragraph on the basis of charges and specifications describing a violation of any provision of law specified or described in paragraph (1), (3), or (4) of this subsection if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defendant dies before execution of such sentence as finally approved;

(3) perjury committed under the laws of the United States or of the District of Columbia—

(A) in falsely denying the commission of an act which constitutes any of the offenses—

(i) within the purview of any provision of law specified or described in paragraph (1) of this subsection, or

(ii) within the purview of any article or provision of law specified or described in paragraph (2) of this subsection insofar as such offense is within the purview of any article or provision of law specified or described in paragraph (1) or paragraph (2)(A) of this subsection.

(B) in falsely testifying before any Federal grand jury, court of the United States, or court-martial with respect to his service as an officer or employee of the Government in connection with any matter involving or relating to an interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States, or

(C) in falsely testifying before any congressional committee in connection with any matter under inquiry before such congressional committee involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States; and

(4) subornation of perjury committed in connection with the false denial or false testimony of another person as specified in paragraph (3) of this subsection.

(b) There shall not be paid to any person convicted, prior to, on, or after the date of enactment of this amendment, under any article or provision of law specified or described in this subsection, of any offense within the purview of such article or provision to the extent provided in this subsection, or to any survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or subsequent to the date of enactment of this amendment, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay—

(1) any offense within the purview of—

(A) section 222 (violation of specific sections) or section 223 (violation of sections generally) of the Atomic Energy Act of 1954 (68 Stat. 958; 42 U.S.C. 2272 and 2273) insofar as such offense under such section 222 or 223 is committed with intent to injure the United States or with intent to secure an advantage to any foreign nation.

(B) section 224 (communication of restricted data), section 225 (receipt of restricted data), or section 226 (tampering with restricted data) of the Atomic Energy Act of 1954 (68 Stat. 958 and 959; 42 U.S.C. 2274, 2275, and 2276), or

(C) section 4 (conspiracy and communication or receipt of classified information), section 112 (conspiracy or evasion of apprehension during internal security emergency), or section 113 (aiding evasion of apprehension during internal security emergency of the Internal Security Act of 1950 (64 Stat. 991, 1029, and 1030; 50 U.S.C. 783, 822, and 823);

(2) any offense within the purview of any current article of the Uniform Code of Military Justice (chapter 47 of title 10 of the United States Code), or any prior article on which such current article is based, on the basis of charges and specifications describing a violation of any provision of law specified or described in paragraph (1), (3), or (4) of this subsection, if the executed sentence includes death, dishonorable discharge, or dismissal from the service, of if the defendant dies before execution of such sentence as finally approved;

(3) perjury committed under the laws of the United States or of the District of Columbia in falsely denying the commission of an

act which constitutes any of the offenses within the purview of any provision of law specified or described in paragraph (1) of this subsection; and

(4) subornation of perjury committed in connection with the false denial of another person as specified in paragraph (3) of this subsection.

SEC. 2. (a) There shall not be paid to any person who, prior to, on, or after September 1, 1954, has refused or refuses, or knowingly and willfully has failed or fails, to appear, testify, or produce any book, paper, record, or other document, relating to his service as an officer or employee of the Government, before a Federal grand jury, court of the United States, court-martial, or congressional committee, in any proceeding with respect to—

(1) any relationship which he has had or has with a foreign government, or

(2) any matter involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States,

or to the survivor or beneficiary of such person, for any period subsequent to September 1, 1954, or subsequent to the date of such failure or refusal of such person, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

(b) There shall not be paid to any person who, prior to, on, or after September 1, 1954, knowingly and willfully, has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on or after such date, knowingly and willfully, has concealed or conceals any material fact, with respect to his—

(1) past or present membership in, affiliation or association with, or support of the Communist Party, or any chapter, branch, or subdivision thereof, in or outside the United States, or any other organization, party, or group advocating (A) the overthrow, by force, violence, or other unconstitutional means, of the Government of the United States, (B) the establishment, by force, violence, or other unconstitutional means, of a Communist totalitarian dictatorship in the United States, or (C) the right to strike against the Government of the United States,

(2) conviction, under any article or provision of law specified or described in subsection (a) of the first section of this Act, or any offense within the purview of such subsection (a) to the extent provided in such subsection, or

(3) failure or refusal to appear, and testify, or produce any book, paper, record, or other document, as specified in subsection (a) of this section,

for any period subsequent to September 1, 1954, or subsequent on the date on which any such statement, representation, or concealment of fact is made or occurs, whichever date is later, in any document executed by such person in connection with his employment in, or application for, a civilian or military office or position in or under the legislative, executive, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such

person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

(c) There shall not be paid to any person who, prior to, on, or after the date of enactment of this amendment, knowingly and willfully, has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, knowingly and willfully, has concealed or conceals any material fact, with respect to his conviction, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, for any period subsequent to the date of enactment of this amendment or subsequent to the date on which any such statement, representation, or concealment of fact is made or occurs, whichever date is later, in any document executed by such person in connection with his employment in, or application for, a civilian or military office or position in or under the legislative, executive, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

SEC. 3. There shall not be paid to any person—

(1) who (A) after July 31, 1956, is under indictment, or has outstanding against him charges preferred under the Uniform Code of Military Justice, for any offense within the purview of subsection (a) of the first section of this Act, or (B) after the date of enactment of this amendment, is under indictment, or has outstanding against him charges preferred under the Uniform Code of Military Justice, for any offense within the purview of subsection (b) of such first section, and

(2) who willfully remains outside the United States, its Territories and possessions, and the Commonwealth of Puerto Rico for a period in excess of one year with knowledge of such indictment or charges, as the case may be,

for any period subsequent to the end of such one-year period, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay, unless and until—

(i) a nolle prosequi to the entire indictment is entered upon the record, or such charges have been dismissed by competent authority, as the case may be,

(ii) such person returns and thereafter the indictment, or charges, is or are dismissed, or

(iii) after trial by court or court-martial, as applicable, the accused is found not guilty of the offense or offenses referred to in paragraph (1) of this section.

SEC. 4. (a) In the case of—

(1) the conviction of any person, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by any person of any violation of subsection (a) or (b) of section 2 of this Act, or

(2) the conviction of any person, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by any person of any violation of subsection (c) of section 2 of this Act,

any amounts (not including employment taxes) contributed by such person toward an annuity the benefits of which are denied under this Act (less any amounts previously refunded or previously paid as annuity benefits) shall be refunded, upon appropriate application therefor—

(A) to such person,

(B) if such person is deceased, to such other person or persons as may be designated to receive refunds by or under the law, regulation, or agreement under which the annuity (the benefits of which are denied under this Act) would have been payable, or

(C) if there is no such designation, in the order of precedence prescribed in section 11(c) of the Civil Service Retirement Act (70 Stat. 755; 5 U.S.C. 2261(c)).

(b) Each refund under subsection (a) of this section shall be made with interest at such rates and for such periods as may be provided under the law, regulation, or agreement under which the annuity would have been payable. Such interest shall not be computed—

(1) if paragraph (1) of subsection (a) of this section is applicable, for any period after the date of conviction of commission of violation, as the case may be, or after September 1, 1954, whichever date is later, or

(2) if paragraph (2) of subsection (a) of this section is applicable, for any period after the date of conviction or commission of violation, as the case may be, or after the date of enactment of this amendment, whichever date is later.

(c) No person whose annuity is denied under this Act shall be required to repay that part of any annuity otherwise properly paid to such person which is in excess of the aggregate amount of his own contributions toward such annuity, with applicable interest.

(d) No survivor or beneficiary of any such person shall be required to repay that part of any annuity otherwise properly paid to such person or to such survivor or beneficiary on the basis of the service of such person which is in excess of the aggregate amount of the contributions of such person toward annuity, with applicable interest.

SEC. 5. (a) No person (including an eligible beneficiary under chapter 73 of title 10 of the United States Code or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374)) to whom payment of retired pay is denied under this Act shall be required to refund to the United States any retired pay otherwise properly paid to such person or beneficiary which is paid in violation of this Act.

(b) In the case of the conviction of, or the commission of any violation by, any person to the extent provided in paragraph (1) or paragraph (2), as the case may be, of section 4 (a) of this Act, any deposits made under section 1438 of chapter 73 of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374), to provide the eligible beneficiary with annuity for any period (less amounts previously paid as retired pay benefits) shall be refunded, upon appropriate

application therefor, in accordance with such section 4(a), with interest as provided in section 4(b) of this Act.

SEC. 6. (a) The right to receive an annuity or retired pay shall be deemed restored to any person convicted, prior to, on, or after September 1, 1954, of an offense which is within the purview of the first section of this Act or which constitutes a violation of section 2 of this Act, for which he is denied under this Act an annuity or retired pay, to whom a pardon of such offense is granted by the President of the United States, prior to, on, or after September 1, 1954, and to the survivor or beneficiary of such person. Such restoration of the right to receive an annuity or retired pay shall be effective as of the date on which such pardon is granted. Any amounts refunded to such person under section 4 or 5(b) of this Act shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made, by virtue of such pardon, for any period prior to the date on which such pardon is granted.

(b) The President is authorized to restore, effective as of such date as ha may prescribe, the right to receive an annuity or retired pay to any person who is denied, prior to, on, or after September 1, 1954, an annuity or retired pay under section 2 of this Act, and to the survivor or beneficiary of such person. Any amounts refunded to such person under section 4 or 5(b) of this Act shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made, by virtue of such restoration of annuity or retired pay by the President under this subsection, for any period prior to the effective date of such restoration of annuity or retired pay.

(c) The right to receive an annuity or retired pay shall not be denied because of any conviction of an offense which is within the purview of the first section of this Act or which constitutes a violation of section 2 of this Act, in any case in which it is established by satisfactory evidence that such conviction or violation resulted from proper compliance with orders issued, in a confidential relationship, by a department, agency, establishment, or other authority of any branch of the Government of the United States or of the government of the District of Columbia.

SEC. 7. No accountable officer or employee of the Government shall be held responsible for any payment made in violation of any provision of this Act if such payment is made in due course and without fraud, collusion, or gross negligence.

SEC. 8. (a) The President may—

(1) drop from the rolls any member of the armed forces, and any member of the Coast and Geodetic Survey or of the Public Health Service, who is deprived of retired pay under the provisions of this Act, and

(2)(A) restore to any person so dropped from the rolls to whom retired pay is restored by reason of any provision of or change in this Act (including the provisions of section 2 of the Act which enacts this clause), his military status, and (B) restore to him and his beneficiaries all rights and privileges of which he or they were deprived by reason of his name having been dropped from the rolls.

(b) If the person so restored was a commissioned officer he may be reappointed by the President alone to the grade and position on the retired list which he held at the time his name was dropped from the rolls.

SEC. 9. This Act shall not be construed to restrict any authority under any other provision of law to deny or withhold benefits authorized by law.

SEC. 10. As used in this Act—

(1) the term "officer or employee of the Government" includes—

(A) an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States;

(B) a Member of, Delegate to, or Resident Commissioner in, the Congress of the United States;

(C) an officer or employee of the government of the District of Columbia; and

(D) a member or former member of the armed forces, the Coast and Geodetic Survey, or the Public Health Service.

(2) the term "annuity" means any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act and any monthly annuity under section 2 or section 5 of the Railroad Retirement Act of 1937) payable by any department or agency of the Government of the United States or the government of the District of Columbia upon the basis of service as a civilian officer or employee of the Government and any other service which is creditable to an officer or employee of the Government toward such benefit under the law, regulation, or agreement providing such benefit, except that—

(A) the term "annuity" does not include any benefit provided under laws administered by the Veterans' Administration;

(B) the term "annuity" does not include salary or compensation which may not be diminished under section 1 of Article III of the Constitution of the United States;

(C) the term "annuity" does not include, in the case of a benefit payable under title II of the Social Security Act, so much of such benefit as would be payable without taking into account (for any of the purposes of such title II, including determinations of periods of disability under section 216(i)) any remuneration for service as an officer or employee of the Government;

(D) the term "annuity" does not include any monthly annuity awarded under section 2 or section 5 of the Railroad Retirement Act of 1937 prior to the date of enactment of this amendment (whether or not computed under section 3(e) of such Act) and, in the case of any annuity awarded under section 2 or 5 on or subsequent to the date of enactment of this amendment, does not include so much of such annuity as would be payable without taking into account any military service creditable under section 4 of such Act;

(E) the term "annuity" does not include any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act) of any person to whom such benefit has been awarded or granted prior to September 1, 1954, or of the survivor or beneficiary of such person, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission

by such person, prior to such date, of any violation of subsection (a) or (b) of section 2 of this Act; and

(F) the term "annuity" does not include any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act) of any person to whom such benefit has been awarded or granted prior to the date of enactment of this amendment, or of the survivor or beneficiary of such person, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (c) of section 2 of this Act.

(3) the term "retired pay" means retired pay, retirement pay, retainer pay, or equivalent pay, payable under any law of the United States to members or former members of the armed forces, the Coast and Geodetic Survey, and the Public Health Service, and any annuity payable to an eligible beneficiary of any such member or former member under chapter 73 (annuities based on retired or retainer pay) of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374), except that—

(A) the term "retired pay" does not include any benefit provided under laws administered by the Veterans' Administration;

(B) the term "retired pay", as applicable to retired pay, retirement pay, retainer pay, and equivalent pay, does not include any such pay of any person to whom such pay has been awarded or granted prior to September 1, 1954, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (a) or (b) of section 2 of this Act;

(C) the term "retired pay", as applicable to retired pay, retirement pay, retainer pay, or equivalent pay, does not include any such pay of any person to whom such pay has been awarded or granted prior to the date of enactment of this amendment insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (c) of section 2 of this Act; and

(D) the term "retired pay", as applicable to an annuity payable to the eligible beneficiary of any person under chapter 73 of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374), does not include any such annuity of any such beneficiary if such an-

nuity has been awarded or granted to such beneficiary, or if retired pay has been awarded or granted to such person, prior to the date of enactment of this amendment insofar as concerns—

(i) the conviction, prior to such date, of the person on the basis of whose service such annuity is awarded or granted, under any article or provision of law specified or described in the first section of this Act, of any offense within the purview of such first section to the extent specified in such section, or

(ii) the commission by such person, prior to such date, of any violation of section 2 of this Act.

(4) the term "armed forces" shall have the meaning provided for such term by title 10 of the United States Code.

SEC. 11. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 12. (a) Section 3282 of title 18 of the United States Code is amended by striking out "three" and inserting in lieu thereof "five".

(b) The amendment made by subsection (a) shall be effective with respect to offenses (1) committed on or after September 1, 1954, or (2) committed prior to such date, if on such date prosecution therefor is not barred by provisions of law in effect prior to such date.

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EXHIBIT A

Summary of annuity claims denied under Public Law 769

(1) Case No.	(2) Claim No. CSA	(3) Agency in which last employed	(4) Position	(5) Service Years (a)	(5) Service Months (b)	(6) Description of offense	(7) Date of offense	(8) Date of final separation	(9) Reason for final separation	(10) Sentence of the court (as reported by agency) Date (a)	(10) Fine (b)	(10) Prison (c)	(10) Years of probation (d)	(11) Present value of annuity denied by Public law 769	(12) Approximate refund due Paid (a)	(12) Unpaid (b)	(13) Annuity Monthly (a)	(13) Accrued to Apr. 30, 1960 (b)	(14) H.R. 4601 would remove bar to payment	(15) Ber to payment already removed by— Presidential pardon (a)	Court of Claims decision (b)	Reappraisal of evidence (c)	(18) Not affected by H.R.4601, denied Communist Party membership
1	373480	Post Office Department	Clerk in charge	38	1	Charged by Post Office Department of embezzling $165 collected for parcel post mailing matter.	Aug. 13, 1954	Sept. 13, 1954	Removed	Oct. 19, 1954		Suspended	3	$35,000	$5,833.11		$179	$11,199	X				
2	371214	do	Carrier	32	1	Theft of money from mail	July 7, 1954	Aug. 8, 1954	do	Nov. 1, 1954		1½ years	(?)	$29,000	$4,493.85, Jan. 11, 1955		195	12,180	X				
3	377156	do	Elevator operator	15	9	Theft of mail	Aug. 5, 1954	Sept. 5, 1954	do	Sept. 30, 1954	$1,500	3½ years	(?)	$12,000		$2,168.38	85	5,368	X				
4	376497	do	Watchman	11	8	Theft of money and other articles from desk drawers, Federal Building, also Government property from War Department, Engineers Office.	A period of 4 months prior to May 21, 1944.	Oct. 25, 1944	do	Oct. 25, 1944	$30,15 court costs	Suspended	2	$4,600	$191.68, Jan. 29, 1955		49	2,384	X				
5	370848	do	Carrier	29	1	Theft and rifling of mail	On or prior to June 30, 1944.	June 30, 1944	do	Jan. 4, 1945		do	2	$13,000	$2,795.55		Died			X			
6	363474	do	Laborer	26	1	do	On or prior to Mar. 24, 1951.	Mar. 24, 1951	do	Feb. 14, 1952		do	2	$15,000	$2,563.59, Jan. 27, 1955		136	8,293	X				
7	378143	do	General foreman	36	11	Charged with theft from mail	Sept. 28, 1954	Oct. 29, 1954	do	Jan. 7, 1955		do	2	$36,000	$7,127.37		287	18,259	X				
8	373077	Army	Firefighter	19	3	Charged with extortion as District of Columbia policemen, Metropolitan Police Department. Removed May 15, 1928. (Reemployed intermittently from May 19, 1941, to Jan. 14, 1945, and continuously from June 30, 1948, to Nov. 30, 1954.)	Mar. 20, 1928	Nov. 30, 1954	Disability retirement	Jan. 5, 1929	$500	do	2	$15,000	$1,195.67, Feb. 23, 1955					X			
9	378037	Navy	Supply officer	30	5	Charged with presenting fraudulent vouchers. Convicted on forgery of Treasury check while employed in War Department. Suspended Feb. 2, 1935. Resigned, with prejudice, Mar. 13, 1935. (Reemployed intermittently from Sept. 2, 1941, to June 1, 1942, and continuously from Jan. 7, 1945, to Oct. 31, 1954.)	Sept. 29, 1934	Oct. 31, 1954	Optional retirement	June 13, 1935		1½ to 2 years	?	$22,000		3,208.51				X			
10	372591	Post Office Department	Clerk	35	11	Embezzling letters and money from mails	June 19, 1954	June 30, 1954	do	Nov. 22, 1954		Suspended	2	$32,000	$4,731.71, Mar. 4, 1955 plus $919 annuity paid.		222	14,280	X				
11	359982	Army	Administrative Assistant.	15	10	Unlawfully claimed and received 195 hours of overtime pay in the amount of $347.97. Made restitution of amount involved upon guilty plea in U.S. district court.	Mar. 31, 1953, to June 30, 1954. Indicted in December 1954.	July 31, 1954	do	Plead guilty to charge Feb. 2, 1955.	?	?	?	$14,000	$2,432.15, plus $651 annuity paid Aug. 1, 1954 to Feb. 28, 1955.		114	7,232	X				
12	378469	Post Office Department	Station superintendent	33	1	Embezzlement of postal funds $133. Alteration and falsification of c.o.d. records and embezzlement of c.o.d. funds.	Jan. 9 to Aug. 19, 1954	Sept. 21, 1954	Removed—embezzlement.	Oct. 18, 1954	$133	Suspended	1	$33,000	$6,911.78		189	11,877	X				
13	381865	do	Clerk	31	8	Indicted on Nov. 23, 1954, and charged with unlawfully opening and removing from letter $1.25 and $1 from another letter.	Prior to Nov. 21, 1954	Nov. 21, 1954	Removed	Jan. 8, 1955		1 year, 1 day		$28,000	$4,490.78		172	10,315	X				
14	365822	do	Carrier	31	2	Theft of mails—several hundred dollars for which restitution made.	Mar. 9, 1954	Apr. 9, 1954	do	May 10, 1954		Suspended	(?)	$29,000		4,887.01	182	11,948	X				
15	370035	do	Clerk	32	1	Embezzlement of $1,209 from Government funds and falsification of records to conceal embezzlement. Restitution of full amount made on Mar. 5, 1954.	Prior to Mar. 5, 1954	Apr. 13, 1954	do	(?)		do	2	$18,000	$5,266.03		Future annuity effective July 1, 1951.		X				
16	384441	do	Postmaster	35	9	Embezzlement of $1,036.44. Falsification of entries. Failure to remit surplus funds. Irregularities. Restitution made on Feb. 20, 1947.	Prior to Feb. 14, 1947. Disclosed on special inspection Feb. 11, 1947.	Feb. 14, 1947	do	Mar. 11, 1947		do	1	$14,000		344.38	192	10,300	X				
17	382154	do	do	20	11	Improper inflation of stamp sales	Prior to Mar. 24, 1948	Mar. 24, 1948	do	Oct. 24, 1949		do	3	$4,195		59.53	31	2,053	X				
18	385243	Justice, Immigration, and Naturalization.	Naturalization examiner.	30	5	Collected unauthorized fees from applicants for naturalization—bribery.	December 1953	Dec. 21, 1953	Termination from excepted appointment.	May 14, 1954		3 years, several counts		$31,000	$7,341.84		224	15,504	X				
19	378457	Army Oliver General Hospital, Augusta, Ga.	Sheetmetal worker and furnace mechanic.	13	1	Theft of Government property consisting of a hindquarter of beef from the Oliver General Hospital.	Oct. 9, 1946	Oct. 15, 1948	Removed — misappropriation of Government property.	Apr. 18, 1947	$250	Suspended	2	$5,000	$563.47		45	2,635	X				
20	387681	Post Office Department	Carrier	36	3	Theft and rifling of 1st class mail. Charged with violation of sec. 1709, U.S. Code.	Prior to July 14, 1954—date of formal arrest.	Aug. 23, 1954	Removed—cause	Feb. 24, 1955		do	1	$33,000	$5,946.71		202	13,058	X				
21	CSF-275059	Department of Army	Not shown	10	11	Embezzlement of post office funds and falsification of records while employed as postmaster. Convicted on 1 count of sec. 355, U.S. Code, title 18. Removed Feb. 29, 1944 (reemployed Department of the Army Oct. 20, 1947).	Dec. 31, 1943	Dec. 31, 1954	Death	Mar. 27, 1944	$526.53	60 days		$2,700	$1,108.90		Died		X				
22	387355	Veterans' Administration.	Correspondence-reviewer.	26	9	Indicted on Apr. 21, 1930, and charged with embezzlement of official funds in violation of sec. 355, title 18, U.S. Code. Removed as clerk in Post Office Department, Apr. 12, 1930 (reemployed from Aug. 13, 1946, to present).	Prior to Apr. 12, 1930	Not separated. Filed for disability retirement. Leave with pay expired Apr 29, 1955.		Apr. 29, 1930	$650			$16,000	$3,651.00		Died		X				
23	385095	Department of Agriculture.	County supervisor	5	7	Indicted on Mar. 23, 1944, and charged with violation of sec. 100, title 18, U.S. Code.	Apr. 29, 1943	Aug. 1, 1943	Resigned (shortages in accounts).	June 12, 1944			1 year	$2,068	$192.25		19	1,277	X				
24	381581	Department of the Army	Truckdriver	27	10	Stealing mail in violation of sec. 1709, title 18 U.S. Code. Removed as driver-mechanic, Post Office Department, Nov. 30, 1940 (reemployed, Department of the Army, May 18, 1943–Oct. 3, 1946; Feb. 3, 1948–Dec. 31, 1954).	Prior to Nov. 30, 1940	Dec. 31, 1954	Optional retirement	Dec. 20, 1940		Suspended	2 years	$9,000	$162 annuity paid from Jan. 1, to Mar. 31, 1955.	1,616.75				X			
25	384515	Post Office Department	Superintendant of station.	34	9	Depredation of mails	Arrested on Nov. 18, 1954.	Dec. 18, 1954	Removed	Feb. 14, 1955		8 months		$35,000		8,194.75				X			
26	385758	Commerce (Weather Bureau).	Clerk	42	3	Charged with theft and rifling of letter mail while employed at post office, West Point, N.Y., in violation of sec. 1709, title 18, U.S. Code. Removed Feb. 26, 1941. (Reemployed, Commerce Department, Dec. 21, 1942–Feb. 28, 1955.)	Prior to Feb. 28, 1941	Feb. 28, 1955	Optional retirement	Mar. 14, 1941		Suspended	1 year	$14,000	$2,084.02		131	7,539	X				
27	382820	Post Office Department	do	8	1	Charged with embezzlement of official funds in violation of title 18, U.S. Code, sec. 355 (now sec. 1711).	Prior to Mar. 20, 1945	Apr. 15, 1945	Removed	Indicted Mar. 20, 1945	$100	do		$3,039	$339.49		28	1,558	X				
28	386645	do	Postmaster	22	5	False entries in accounts and false returns to increase his compensation in violation of title 18 U.S. Code, secs. 189 and 329.	Prior to May 18, 1947	May 28, 1947	do	Dec. 8, 1947		do	1 year	$1,791	$1.83		17	1,949	X				
29	382660	Federal Works Agency	Junior administrative assistant.	5	2	Indicted on May 14, 1941, and charged with violation of title 18 U.S. Code, secs. 177, 189, and 355 (now secs. 649, 2073, and 1711) while employed as postmaster, Post Office Department. Removed from Post Office Department Apr. 30, 1941. (Reemployed, Federal Works Agency, Apr. 1–July 31, 1942.)	Prior to Apr. 30, 1941	July 31, 1942	Discharged, reduction in force.	Nov. 13, 1941		do	2 years	$2,700	$33.48		17	1,030	X				
30	383898	Army	Accounting clerk	24	7	Stealing money from dead letters which she was assigned to process in violation of title 18, U.S. Code, sec. 355 (now sec. 1711) while employed as clerk in the Post Office. Removed Aug. 24, 1933 (reemployed Sept. 29, 1942 to Apr. 28, 1947; Sept. 23, 1947 to Dec. 31, 1954).	Prior to Aug. 24, 1933	Dec. 31, 1954	Resignation	May 10, 1934		do	1	$18,000		2,757.28				X			
31	388795	Navy	Joiner	15	1	Charged with violation of title 18 U.S. Code, sec. 318 (now sec. 1703) while employed as clerk in the Post Office. Removed Feb. 23, 1928 (reemployed Nov. 24, 1941 to Aug. 26, 1945).	Indicted Feb. 19, 1928	Aug. 26, 1948	Reduction in force	Feb. 18, 1928		do	1	$5,700	$804.09		35	2,751	X				
32	389091	Post Office	Clerk	30	11	Theft and rifling of mail matter in violation of title 18 U.S. Code, sec. 1709.	Suspended without pay September 29, 1948.	Januery 5, 1949	Separatod for cause	Nov. 1, 1948	Not shown	Not shown		$19,000	$2,283.50		168	9,430	X				
33	382083	do	do	27	10	In an affidavit executed in connection with his tenure of office November 29, 1945, and before the Loyalty Review Board falsely denied his membership in the Communist Party.	December 18, 1949	August 14, 1950	Removed					$21,000		3,548.36	164	12,756					X
34	390380	do	do	30	7	Falsification of time cards in violation of title 18, U.S. Code, secs. 371 and 1001.	Prior to May 9, 1951	May 12, 1951	do	Mey 7, 1952	$200	1 year 1 day	On May 28, 1952, sentence revoked and he was placed on probation for a period of 1 year.	$15,000		4,816.02	Future annuity effective July 1, 1962.		X				
35	368154	do	do	25	3	Executed affidavit on standard form 84 in which he concealed past or present membership in Communist Party. Such membership later admitted.	1947	Sept. 13, 1950	do					$17,000	$3,744.19		153	9,551					X
36	394283	do	do	25	10	Indicted for violation of title 18, U.S. Code, sec. 355 (now sec. 1711).	Prior to Sept. 6, 1944	Sept. 21, 1944	do	Sept. 12, 1944		Suspended	1	$13,000		3,347.15	107	6,850	X				
37	388233	do	Postmaster	18	5	Embezzlement, violation of title 18, U.S. Code, sec. 1711.	Prior to Jan. 20, 1952	Jan. 20, 1952	do	Mer. 17, 1952		do	1	$13,000	$2,843.31		112	5,184	X				
38	390939	Internal Revenue	Agent	32	3	Under investigation in connection with acceptance of bribes. Subpenaed before a Federal grand jury, southern district of New York and refused to answer questions in regard to his Government service on the ground of self-incrimination.	Not shown.	Mar. 31, 1955	Retirement (removal on charges pending).	Investigation by U.S. ettorney still pending.				$39,000		8,632.37					X		
39	391592	Post Office	Assistant Superintendent of Mails.	33	10	During 1950, in violation of title 18, U.S. Code, sec. 602, solicited political contributions from postal employees. Statute of limitations (3 years) expired before discovery of facts. In connection with investigation of above executed affidevit containing false statement. The fact concerning this offense presented to U.S. ettorney. Grand jury returned indictment in violation of title 18, U.S. Code, sec. 1001.	Aug. 2, 1954	Feb. 7, 1955	Separated	June 8, 1955	$150			$37,000		6,553.13						X	
40	387645	V.A.	Chauffeur	29	4	Engaged in fight and inflicted serious knife wounds on a fellow employee. Entered Veterans' Administration property for nonbusiness reasons when off duty.	Prior to Sept. 15, 1948	Oct. 22, 1948	Removal	Dec. 3, 1948		3 months to 12 months and 1 day.		$11,000		2,745.23	Future annuity effective Feb. 1, 1962.		X				
41	389709	Post Office	Postmaster	21	9	Falsification and embezzlement of postal funds	Prior to Aug. 30, 1954	Jan. 8, 1955	do	Mar. 28, 1955		Suspended	3	$15,000		2,247.99	120	4,660	X				
42	392948	do	Assistant Postmaster	25	5	Conspiracy to embezzle postal funds. Feloniously converted to own use the sum $946.09 in violation of title 18, U.S. Code, sec 355 (now sec. 1711).	Oct 31, 1942, to Feb. 15, 1943.	May 22, 1943	Discharged	July 29, 1943		5 months		$12,000	$3,152.32		108	8,254	X				
43	390093	District of Columbia Government.	Inspector	14	5	Accepted bribe to approve inspection of an automobile. Found guilty of charges covered by title 22 secs. 701 and 702 District of Columbia Code.	May 23, 1951	Sept. 25, 1951	Dismissal	Not shown		Suspended	2 yrs	$10,300	$1,943.92		88	5,491	X				
44	388961	Post Office	Postmaster	33	2	Indicted on February 17, 1955, for theft of mail in violation of title 18, sec. 1709 U.S. Code.	Dec. 5, 1954	Jan. 31, 1955	Optional retirement	Mar. 30, 1955		18 months		$5,960	$460.03. Annuity paid from Feb. 1, 1955, to July 31, 1955.		64	3,732	X				

Bureau of Retirement and Insurance
U.S. Civil Service Commission

(1) Case No.	(2) Claim No. OSA	(3) Agency in which last employed	(4) Position	(5) Service: Years (a)	(5) Service: Months (b)	(6) Description of offense	(7) Date of offense	(8) Date of final separation	(9) Reason for final separation	(10) Sentence of the court (as reported by agency): Date (a)	(10) Fine (b)	(10) Prison (c)	(10) Years of probation (d)	(11) Present value of annuity denied by Public Law 769	(12) Approximate refund due: Paid (a)	(12) Unpaid (b)	(13) Annuity: Monthly (a)	(13) Accrued to Apr. 30, 1960 (b)	(14) H.R. 4601 would remove bar to payment	(15) Bar to payment already removed by—: Presidential pardon (a)	Court of Claims decision (b)	Reappraisal of evidence (c)	(16) Not affected by H.R. 4601, denied Communist party membership
45	367287	Post Office	Clerk	30	1	On application filed with the Post Office Department May 11, 1954 falsely denied membership in any organization advocating overthrow of Government of United States by force or violence. Later admitted such membership.	May 11, 1954	July 31, 1954	Optional retirement					$24,900		$5,001.55	$197	$12,638					X
46	399129	do	do	28	0	Charged with embezzlement of postal funds in violation of sec. 355 (now sec. 1711) title 18 U.S. Code.	Prior to Oct. 7, 1947	Nov. 21, 1947	Removed	Oct. 7, 1947			1½ years	$13,900	$3,704.79		111	5,765	X				
47	399411	do	Station examinar	21	10	Charged on 4 counts of unlawfully and willfully soliciting for personal gains certain sums in consideration of a promise to use his influence to obtain promotions in the Post Office Department in violation of secs. 214, 215, and 371, title 18 U.S. Code.	Prior to Sept. 25, 1952	Sept. 29, 1952	do	July 30, 1954	$500 or 30 to 60 days			$19,400	$3,378.51		155	7,767	X				
48	397814	do	Clerk	31	0	Charged with embezzlement of postage and alteration of postage meter strips in violation of sec. 501 title 18 U.S. Code.	Prior to Dec. 6, 1954	Dec. 6, 1954	do	May 16, 1955	5 months in custody of Attorney General (followed by probation).		18 months	$17,000		5,024.34				X			
49	388915	Labor	Labor economist	28	8	Commission of a felony in the exercise of his duties as a Federal employee of the Department of State. Charged with conspiracy to smuggle aliens. (Removed Feb. 15, 1930. Reemployed, Department of Labor, Dec. 28, 1933.)	Prior to Feb. 15, 1930	Feb. 28, 1955	Retired	Indicted May 28, 1930	Suspended		5 years [1]	$49,800		5,991.30				X			
50	299659	Treasury, Internal Revenue.	Agent	32	8	Subpensed and appeared before a Federal grand jury in the southern district of New York at which time he refused to answer questions regarding his Government service on the grounds of self-incrimination.	Apr. 18, 1955	Oct. 31, 1951	do					$35,000	None						X		
51	399802	Post Office	Carrier	29	2	Charged with using the mails to defraud in violation of sec. 1341, title 18, U.S. Code.	Oct. 23 and 24, 1953	Dec. 19, 1953	Separated	May 28, 1954		Suspended	6 months	$24,000	$4,576.93		183	9,762	X				
52	282488	Internal Revenue	Agent	30	3	Appeared before a grand jury in the southern district of New York and refused to testify with respect to acts performed in his official capacity on the ground of self-incrimination.	Sept. 2, 1954	Feb. 28, 1951	Optional retirement					$36,000	None; overpaid annuity to be recovered.							X	
53	404112	Post Office	Postmaster	13	10	Falsification of records and accounts in violation of sec. 2073, title 18, U.S. Code.	Prior to May 31, 1955	May 31, 1955	Removed	June 29, 1955		1 year and 1 day		$14,000	$3,154.16		113	6,063	X				
54	403468	Veterans' Administration.	Clerk	26	6	Charged with theft and rifling of mail in violation of title 18, U.S. Code, sec. 318 (now section 1703).	Prior to Mar. 19, 1934	Aug. 31, 1955	Retirement	Mar. 19, 1934		Suspended	2 years	$16,000		3,027.24				X			
55	394992	Post Office	Postmaster	16	2	Charged with converting Government property to own use in violation of title 18, U.S. Code, sec. 1711.	Prior to Apr. 27, 1955	May 31, 1955	Removed	Apr. 28, 1955	168.15			12,000		1,817.86				X			
56	402160	do	Carrier	31	3	Charged with embezzlement of mail in violation of title 18, U.S. Code, sec. 1709.	July 13, 1955	Aug. 26, 1955	do	Sept. 26, 1955	300		2 years	$30,000	$5,256.13		162	8,534	X				
57	402646	Navy	Leading man, laborer	13	5	Indicted on charge of unlawfully opening mail and secreting mail matter in violation of sec. 318 (now sec. 1703), title 18, U.S. Code. (Removed for cause as subcarriar, post office. Reemployed Sept. 24, 1942.)	Prior to June 23, 1936	Dec. 6, 1946	Reduction in force	July 15, 1936		Suspended	5 years	$1,619	$321.68		9	979	X				
58	403773	Post Office	Carriar	25	9	Charged with theft of mail in violation of sec. 1709, title 18, U.S. Code.	Prior to Sept. 30, 1949	Sept. 30, 1949	Removed	Jan. 9, 1950		1 year and 1 day		$11,000	$3,964.28		Future annuity effective Jan. 1, 1965		X				
59	406982	do	do	26	7	Charged with theft and rifling of mail in violation of sec. 1709, title 18, U.S. Code.	Prior to Mar. 6, 1950	Mar. 6, 1950	do	Apr. 20, 1950		3 months	1 year	$18,000		4,144.92				X			
60	405007	do	Laborar	21	4	Charged with opening mail and embezzlement in violation of Sec. 1703, Title 18, U.S. Code.	Mar. 10, 1951	Mar. 12, 1951	do	May 3, 1951			3 years	$13,000	$2,169.68		106	4,434	X				
61	CSF 288421	Federal Public Housing Authority.	Chief Accountant	27	4	Tried by general court martial, U.S. Naval Operations Base, San Diego, Calif., and found guilty of (1) embezzlement, (2) conduct to the prejudice of good ordar and discipline. (Served in U.S. Navy from Feb. 7, 1922 to Mar. 2, 1927.)	Prior to Mar. 3, 1927	May 31, 1953	Retirement	Not shown				$840 annuity from June 1, 1955 to Aug. 31, 1955; died Sept. 26, 1955.	$4,519.19 (widow)		199		X				
62	402879	Post Office	Fireman-laborar	13	2	Charged with theft of mail and parcel post in violation of secs. 654 and 1708, title 18, U.S. Code.	March 1950	Apr. 14, 1950	Removed	Apr. 28, 1950	$350	Suspended	3 years	$8,400	$1,516.83		67	3,481	X				
63	396184	do	Postmaster	12	6	Charged with embezzlement of postal funds in violation of secs. 189 and 355 (now sec. 1711) title 18, U.S. Code.	About Jan. 26, 1944	Apr. 7, 1944	do	May 25, 1944		3 months	18 months	$5,100	$330.59		41	2,185	X				
64	405570	do	do	33	10	Charged with embezzlement and rifling of mail	Prior to Sept. 9, 1955	Sept. 9, 1955	do	Oct. 26, 1955	Suspended	Suspended	5 years	$33,000		3,675.80	211	10,959	X				
65	411489	Navy	Ordnanceman	12	10	Charged with theft and rifling of mail in violation of title 18, U.S. Code, sec. 318 (now sec. 1709). (Removed Jan. 16, 1941, by Post Office Department. Reemployed Dec. 10, 1945–Jan. 2, 1948.)	Prior to Nov. 28, 1940	Jan. 2, 1948	Removal	Feb. 5, 1941		Not available		$3,500	$316.62		29	1,415	X				
66	411555	Post Office	Clerk	6	8	Charged with embezzlement of postal funds in violation of title 18 U.S. Code, sec. 355 (now sec. 1711.)	Prior to Apr. 5, 1948	July 20, 1948	do	Apr. 14, 1948		Suspended	5 years	$4,500	$877.13		Future annuity effective Mar. 1, 1965.		X				
67	415235	Navy	Orater and packer	39	6	Charged with theft of letter mail in violation of title 18 U.S. Code, sec. 318 (now sec. 1709). (Removed by Post Office Department on Oct. 18, 1941. Reemployed June 12, 1945–Nov. 30, 1955).	Prior to Oct. 17, 1941	Nov. 30, 1955	Optional retirement	Oct. 17, 1941	50	6 months		$20,000		2,205.31				X			
68	OSF-294426	do	Fireman	15	2	Charged with theft of letter in violation of title 18 U.S. Code, sec. 318 (now sec. 1703). Separated from Post Office Department on Aug. 3, 1940. Reemployed Nov. 27, 1941, to Dec. 27, 1955.	Prior to Aug. 3, 1940	Dec 27, 1955	Death	Sept 26, 1940		Suspendod	1 year	$9,000	$2,905.40 to widow		46	2,268	X				
69	405271	Veterans' Administration.	Nursing Assistant	12	8	Charged with embezzlemant in violation of sec. 1675 Public Law and R1913—title 18 U.S. Code sec. 1711. (Removed from Post Office Department on June 9, 1920. Reemployed intermittently from June 1, 1942 to Nov. 30, 1955.)	Prior to June 9, 1920	Nov. 30, 1955	Disability Retirement	Sept. 29, 1920		3 months		$6,000	$1,544.89		72	3,592	X				
70	OSF-289599	Department of the Army	Laborar	17	11	Charged with unlawfully secreting, embezzling, and destroying mail matter and converting money and property to his own use in violation of secs. 195 and 225 of the Penal Code (now secs. 1703 and 1711 of title 18, U.S. Code). Removed from Post Office Department on Mar. 15, 1927. Reemployed intermittently from Nov. 2, 1942, to June 30, 1955.	Prior to Mar. 3, 1927	June 30, 1955	Death	Oct. 11, 1927	$100			$14,000	$2,457.98 to widow		67	3,646	X				
71	424854	Post Office	Carrier	25	1	Pleaded guilty to theft and rifling of letter mail in violation of title 18, U.S. Code, sec. 1709.	Prior to Nov. 17, 1952	Nov. 30, 1952	Removal	Nov. 17, 1952		3 years in custody of Attorney General		$13,000	$2702.70		106	5,010	X				
72	418758	do	Clerk in charge	28	4	Charged with theft of letter mail in violation of title 18, U.S. Code, sec. 318 (now sec. 1703).	June 24, 25, 28, 1946	June 28, 1946	do	Oct. 28, 1946	$10 on each of 3 counts	Suspended	Not shown	$14,000		3,421.99	113	5,669	X				
73	415083	do	Clerk	36	9	Pleaded guilty to theft and rifling of letter mail in violation of title 18, U.S. Code sec. 1709.	Prior to October 17, 1955	October 17, 1955	do	November 15, 1955		do	2 years	$27,000	$6,017.21		234	11,943	X				
74	421243	do	do	31	11	Altered a metered indicia of U.S. postage issued by postage meter from $3.04 to $9.04 with intent to defraud in violation of title 18, U.S. Code, sec. 471.	Jan. 9, 1956	Feb. 2, 1956	Removed	Not available; case referred for presentence study				$18,000	$5,999.16		Future annuity effective Mar. 1, 1963.		X				
75	417544	do	Carrier	26	5	Charged with forgery of U.S. Treasury checks in violation of title 18, United States Code, sec. 495.	Prior to Mar. 5, 1953	June 5, 1953	do	May 25, 1953			1 year in custody of Attorney General	$21,200	$4,326.55		169	7,861	X				
76	420790	Navy	Carpenter	19	10	Charged with removing and reissuing canceled U.S. postage stamps and diverting proceeds to own use in violation of title 18, U.S. Code, sec. 328. (Removed as subclerk, post office, Apr. 22, 1940. Reemployed Jan. 4, 1943.)	Mar. 6, 1940	Mar 10, 1956	Retirement	May 0, 1940	$50		1 year	$17,000	$2,865.81		122	5,781	X				
77	424347	Post Office	Carrior	17	3	Charged with detaining, delaying, and secreting a letter in violation of title 18, U.S. Code, sec. 318 (now sec. 1703).	Prior to Sept. 18, 1943	Nov. 3, 1943	Dischargod	Jan. 12, 1944	Not shown			$8,500	$2,023.59		68	3,164	X				
78	422550	War Department	Clerk	11	3	Charged with embezzlement of funds in violation of sec. 183, title 18, U.S. Code while employed as disbursing officer, Veterans' Administration (removed Nov. 28, 1931; reemployed Mar. 3, 1941).	Ang. 12, 1931	May 29, 1942	Military service	June 29, 1935		2 years		$1,100		26.94				X				
79	425859	Post Office	Carrier	36	3	Charged with embezzlement of mail in violation of title 18, U.S. Code, sec. 1709.	1953	Mar. 8, 1955	Optional retirement	Apr. 26, 1950	$1,000		5 years	$32,000	$6,290.27		245	11,389	X				
80	426213	Navy	Laborer	9	0	Denied membership in Communist Party in various documents filed in connection with Federal employment.	July 16, 1943, Jan. 7, 1947, Apr. 13, 1947, Dec. 1, 1950.	Aug. 31, 1951	Removed					$5,500	$1,147.77		44	1,964					X
81	422134	Army Air Force	Industrial specialist	21	9	In application for employment wilfully and knowingly made false statement regarding membarship in Communist Party.	Mar. 30, 1943	Dec. 30, 1955	Optional retirement					$41,000	Annuity paid from Jan. 1, 1956 to July 31, 1956 $1,414.	5,560.96						X	
82	423492	OSA	Guard	16	6	Convicted of theft and rifling of parcels in violation of title 18, U.S. Code, sec. 159 (now sec. 1709) while employed by Post Office Department. Removed Sept. 23, 1922—reemployed from Feb. 1, 1945.	Prior to Sept. 23, 1922	Feb. 29, 1956	Retirement	Oct. 25, 1922		0 months		$7,100	$1,751.47		78	3,668	X				
83	421724	Post Office	Clark	29	3	In FBI interview on Aug. 7, 1944, in answer dated July 14, 1948 to Post Office Department's notice of proposed removal action, in signed statement submitted at the Post Office Loyalty Board hearing on Oct. 18, 1948 and on form 84A, request for report on loyalty data, willfully and knowingly made false statements and concealed material facts concerning membership in Communist Party.	Aug. 7, 1944, July 14, 1948, and Oct. 18, 1948.	Dec. 20, 1949	Removed					$20,000	$3,773.76		158	6,774					X
84	421990	Veterans' Administration.	Laborer	11	2	Charged with selling Government pistol furnished by the Government for military use. Convicted by general court-martial.	Apr. 5, 1921	Feb. 29, 1956	Disability retirement	May 17, 1921	Forfeit all pay and allowances, dishonorable discharge.	1 year (hard labor)		[2] $900	$229.17		6	271	X				
85	421341	Department of the Air Force.	Truckdrivar	16	1	Charged with theft and selling of Government property while a member of the U.S. Army. Convicted by general court-martial.	Prior to Mar. 14, 1918	Apr. 30, 1956	Age retiremont	Mar. 14, 1918	Dishonorable discharge.	2 years		$8,000	$645.69		84	3,810	X				
86	428512	Post Office	Postmaster	12	6	Charged with depredation of the mails and false claims against the Government in violation of title 18, U.S. Code, secs. 287 and 371.	Prior to July 31, 1949	July 31, 1949	Removed	Oct. 23, 1951		1 year and 1 day		$5,000		522.84				X			
87	432346	Internal Revenue Service.	Tax collector	12	1	Found guilty of lotent to defraud the United States while a member of the U.S. Army; convicted by general court martial.	Aug. 11, 1943 to May 22, 1944.	Aug. 27, 1954	Resigned	Feb. 2, 1945		18 months		$8,800	$947.95		70	2,750	X				
88	405280	Agriculture	Storekeeper	16	7	While in U.S. Army convicted by court-martial for fraudulently converting to own use money entrusted to him, as troop commandar, for safekeeping.	Nov. 1, 1920	Aug. 31, 1955	Retirement	Apr. 5, 1921		Dismissed from the service		$16,000	$1,935.96 plus $1,202 annuity paid from Sept. 11, 1955 to Aug. 31, 1956.		117	6,157	X				
89	442715	Post Office	Carrier	31	8	Charged with delaying, detaining, opening and embezzling contents of parcel in violation of title 18 U.S. Code sec. 318 (now sec. 1709).	Prior to Sept. 5, 1946	Sept. 5, 1946	Removed	Oct. 24, 1946		4 months to 1 year and 1 dey.		$15,000	$3,119.06		117	4,259	X				
90	430661	do	Clerk	25	7	Charged with theft and embezzlement of letter in violation of title 18 U.S. Code sec. 318 (now sec. 1709).	Prior to Apr. 24, 1943	Apr. 24, 1943	do	Jan. 18, 1944			3 years	$2,000. Based on 4 years and 6 months service.	$174.55		14	580	X				
91	450588	do	Carrier	32	6	Charged with theft and rifling of mail in violation of title 18 U.S. Code sec. 1709.	Prior to June 6, 1956	June 14, 1956	do	July 23, 1956		Suspended	5 years	$18,000		6,256.90	Future annuity effective Feb. 1, 1956		X				

[1] Released from probation at the end of 3 years.

[2] Based on 1 year and 1 month service. Refund received for prior service.

Bureau of Retirement and Insurance
U.S. Civil Service Commission

(1) Case No.	(2) Claim No. CSA	(3) Agency in which last employed	(4) Position	(5) Service: Years (a)	(5) Service: Months (b)	(6) Description of offense	(7) Date of offense	(8) Date of final separation	(9) Reason for final separation	(10) Sentence of the court (as reported by agency): Date (a)	(10) Fine (b)	(10) Prison (c)	(10) Years of probation (d)	(11) Present value of annuity denied by Public law 769	(12) Approximate refund due: Paid (a)	(12) Unpaid (b)	(13) Annuity: Monthly (a)	(13) Accrued to Apr. 30, 1960 (b)	(14) H.R. 4601 would remove bar to payment	(15) Bar to payment already removed by—: Presidential pardon (a)	Court of Claims decision (b)	Reappraisal of evidence (c)	(18) Not affected by H.R. 4601, denied Communist Party membership
92	438476	Post Office	Postmastor	18	1	Misappropriation of postal funds. Charged with making false account to the Postmaster General in violation of title 18 U.S. Code sec. 1712.	Prior to Aug. 20, 1951	Aug. 20, 1951	Removed	Oct. 8, 1951	$300 and costs of $44.56			$12,000		$1,907.77	$96	$3,768	X				
93	426483	Navy	Plasterer	35	4	Theft of Government property. Committed in the exercise of his privileges as an employee of the U.S. Government.	Prior to Aug. 28, 1946	Mar. 31, 1956	Retirement	Nov. 12, 1946		1 hr. in custody of U.S. Marshal.		$34,000		5,438.12				X			
94	445344	Post Office	Carrier	36	8	Charged with theft and rifling of letter in violation of sec. 1709 title 18, U.S. Code.	Prior to Oct. 17, 1956	Oct. 31, 1956	do	Jon. 3, 1957		Suspended	2 years	$43,000		8,590.86	249	10,458	X				
95	442523	do	Clerk	19	8	Charged with irregular use of postage stamps and converting funds to own use in violation of secs. 641 and 1720, title 18, U.S. Code.	Prior to Nov. 2, 1956	Nov. 2, 1956	Resignation				Sentence deferred pending report of probation officer.	$20,000	$500.00 [2]	2,795.20	125	5,125	X				
96	450382	do	Mail handler	21	5	Charged with rifling of mail matter in violation of sec. 1709, title 18, U.S. Code.	Prior to Oct. 31, 1949	Oct. 31, 1949	Removed	Nov. 25, 1949		Suspended	1½ years	$7,000	$1,513.21		63	2,408	X				
97	450805	do	Clerk	31	8	Charged with irregular use of postage stamps and converting funds to own use in violation of sec. 1720, title 18, U.S. Code.	Prior to Apr. 24, 1956	Apr. 24, 1956	do	May 10, 1958		do	2 years	$22,000		6,030.41	205	9,327		X			
98	451482	do	Station superintendent	28	11	Charged with embezzlement of motor vehicle tax stamp fund and forgery of postal savings certificates in violation of sections 500 and 1711, title 18 U.S. Code.	Prior to Aug. 3, 1945	Dec. 3, 1945	do	Mar. 28, 1946		1 year and 1 day		$14,000	$570.97		114	4,474	X				
99	439210	do	Clerk	18	9	Charged with theft of letter matter in violation of section 1709, title 18, U.S. Code.	Prior to June 15, 1956	June 29, 1956	do	Sept. 19, 1956			2 years	$23,000	$3,683.03		114	4,994	X				
100	453205	do	Carrier	25	8	Charged with violation of sec. 318 (now sec. 1709), title 18, U.S. Code. Embezzlement of mail.	Prior to Nov. 30, 1948	Nov. 30, 1948	do	Dec. 20, 1948		6 months		$18,000		3,948.46				X			
101	452960	do	do	30	11	Charged with embezzlement of mail matter in violation of title 18, U.S. Code, sec. 1709.	Prior to Aug. 23, 1956	Aug. 23, 1960	do	Dec. 14, 1956		Suspended	3 years	$30,000	$5,663.30		171	7,166	X				
102	458783	do	Rural carrier	25	11	Charged with embezzlement of postal funds in violation of title 18, U.S. Code, sec. 1711.	Prior to Apr. 10, 1950	May 15, 1960	do	Apr. 10, 1950		do	8 months	$17,000	$2,214.03		139	5,187	X				
103	860518	Treasury-Internal Revenue.	Agent	33	3	Knowingly and willfully made false and fraudulent statement in filing with Internal Revenue Form No. 1381 "Financial Statement of Employee," in which he undarsteted net worth in violation of title 18 U.S.C., sec. 1001.	Nov. 26, 1951	Jan 15, 1954	Retirement	Feb 4, 1957	$1,000	do	1 year	$43,000	Ann. period from Feb. 1, 1954 to Oct. 31, 1958, $8,051.	509.83	316	21,814		X			
104	447760	Army	Clerk	7	0	Charged with embezzlement of money order funds in violation of title 18 U.S. Code, sec. 355 (now sec. 1711) while employed by the Post Office Department. Reemployed from Dec. 7, 1942 to Sept. 23, 1943.	Prior to Oct. 4, 1940	Sept 23, 1943	Removed	Dec 3, 1940			3 years	$1,500	$38.18		12	461	X				
105	460848	Post Office	Mail handler	14	6	Charged with theft and rifling of mail in violation of title 18, U.S. Code, sec. 1709.	Prior to Dec. 31, 1956	Dec. 31, 1956	do	Jan. 28, 1957		Suspended	5 years	$10,000	$2,583.84		78	3,120	X				
106	464715	do	do	13	7	do	Prior to Jan. 18, 1957	Mar. 5, 1957	do	Mar. 28, 1957	$50	do	1 year	$10,000	$2,661.57		71	2,627	X				
107	453135	do	Clerk	20	4	Charged with unlawfully opening and removing contents of package in violation of title 18 U.S. Code, sec. 318 (now sec. 1709).	Prior to Feb. 4, 1945	Feb. 4, 1945	do	Mar. 10, 1945		30 days		$9,500		2,188.85				X			
108	455330	Votcrans Administration.	Attendant	25	9	Charged with embezzlement of mail in violation of title 18, U.S. Code, while employed in Post Office Department (reemployed V.A. July 11, 1948-Aug. 26, 1951).	Prior to Feb. 6, 1941.	Aug. 26, 1951	do	Mar. 11, 1941		Suspended	2 years	$2,900	$559.53		23	819	X				
109	462449	Post Office	Substitute clerk	17	6	Charged with embezzlement of money order and fired credit funds in violation of title 18, U.S. Code, sec. 355 (now sec. 1711).	May 26, 1947	Aug. 15, 1947	do	Oct. 28, 1947	$472	6 months		$3,100		1,895.49	65	2,368	X				
110	463370	do	Clerk	29	8	Charged with reuse of cancelled stemps, etc. in violation of title 18, U.S. Code, sec. 1720.	Prior to Aug. 31, 1949	Aug. 31, 1940	do	Sept. 29, 1949		Suspended	1 year	$19,000		4,523.15				X			
111	466281	Department of the Army.	Clothing inspector	30	4	On May 1, 1957, before the Senate Permanent Subcommittee on Investigations, refused to answer questions with respect to his service as a Government employee on grounds of self-incrimination.	May 1, 1957	Dec. 31, 1958	Retirement					$39,000	Annuity paid from Jan. 1, 1957, to Apr. 30, 1957, $936.	4,878.65						X	
112	465324	Post Office	Clerk	24	5	Charged with embezzlement of mails in violation of title 18, U.S. Code, sec. 318 (now sec. 1709).	Prior to July 15, 1945	Oct. 18, 1945	Removed	Sept. 19, 1945			2 years	$12,000	$2,880.03		94	3,249	X				
113	468462	do	do	28	1	Charged with theft and rifling of mail in violation of title 18, U.S. Code, sec. 318 (now sec. 1709).	Aug. 19, 1947	Aug. 19, 1947	do	Aug. 29, 1947	$500 plus $15 costs	Suspended	2 years	$14,000	$4,230.28		104	3,744	X				
114	466455	do	Carriar	31	9	Charged with embezzlement of mails in violation of title 18, U.S. Code, sec. 1709.	Prior to Feb. 13, 1957	Feb. 27, 1957	do	Feb. 13, 1957		do	do	$39,000	$5,995.44		217	8,246	X				
115	458390	Army Air Force	Boiler fireman	10	1	Charged with embezzlement of postel funds in violation of title 18, U.S. Code, sec. 355 (now sec. 1711) while employed as postmaster. (Removed Sept. 1, 1935. Intermittently reemployed Feb. 26, 1943, to Jan. 19, 1957).	Prior to Sept. 1, 1935	Jan 19, 1957	Optional retirement	Dec 2, 1935			do	$5,100 based on 8 years and 9 months service.	$420.64		35	1,385	X				
116	471490	Post Office	Clerk	28	4	Charged with theft of mail in violation of title 18, U.S. Code, sec. 318 (now sec. 1709).	Prior to Oct. 22, 1946	Oct 22, 1946	Removed	Oct 22, 1946			2 years	$3,000 based on 7 years and 8 months service.	$332.15		28	938	X				
117	465554	Air Force	Supply clerk	84	11	Charged with embezzlement of mail in violation of title 18, U.S. Code, sec. 1709, while employed by Post Office Department. Reemployed in Air Force Apr. 28, 1954.	Prior to Sept. 22, 1952	June 30, 1957	Optional retirement	Feb. 18, 1953		Suspended	1 year	$41,000		5,990.22	223	7,582	X				
118	469349	Post Office Department	Rural carrier	12	10	Charged with embezzlement in violation of title 18, U.S. Code, secs. 1703 and 1709.	Prior to Feb. 23, 1949	June 30, 1949	Removal	Feb. 23, 1949	$50	do	do	$8,400	$1,405.08		67	2,200	X				
119	475573	do	Carrier	38	9	Charged with theft and rifling of mail in violation of title 18, U.S. Code, sec. 1709.	Prior to Apr. 30, 1957	Apr. 30, 1957	Optional retirement	July 22, 1957		do	18 months	$48,000	$7,102.40		260	9,360	X				
120	464262	do	Clerk	24	6	Charged with theft and rifling of mail in violation of title 18, U.S. Code, sec. 1709.	Prior to Oct. 18, 1948	Oct. 18, 1948	Removal	Nov. 12, 1948		do	3 years	$15,000	$3,771.40		123	4,375	X				
121	486667	do	do	36	5	Charged with embezzlement of postal funds in violation of title 18, U.S. Code, sec. 1711.	Prior to Feb. 23, 1957	Feb. 23, 1957	Removed	June 20, 1957			2 years	$53,000	$6,847.89		241	9,158	X				
122	491740	Veterans' Administration.	Hospital attendant	23	1	Charged with embezzlement in violation of title 18, U.S. Code sec. 355 (now sec. 1711).	Prior to Mar. 10, 1942 [4]	Sept 19, 1951	Removal	May 11, 1942	$112		15 months	$3,300	$678.80		25	939	X				
123	483012	Post Office	Clerk	9	1	Chargod with interception of mail matter in violation of title 18, U.S. Code, sec. 1703.	Prior to Feb. 17, 1949	May 6, 1949	do	Mar. 11, 1949			2 years	$5,500		1,210.70	44	1,324	X				
124	493716	do	Substitute carrier	28	1	Charged with theft of mail in violation of title 18, U.S. Code, secs. 1708 and 495.	Apr. 23, 1952	Oct. 23, 1951	do	Dec. 4, 1953		Concurrent sentence of 2 years in custody of Attorney General		$4,000	$935.03		31	527	X				
125	475444	do	Cleaner	30	2	Charged with theft and rifling of mail in violation of title 18, U.S. Code, sec. 1709.	Apr. 30, 1957	Apr. 30, 1957	Optional retirement	Nov. 21, 1957		Suspended	1 year	$30,000	$4,463.73		172	6,102	X				
126	473615	do	Carrier	30	1	Charged with embezzlement of letter mail in violation of title 18, U.S. Code, sec. 1709.	Mar. 15, 1957	Apr. 15, 1957	Removal	Sept. 4, 1957		do	5 years	$41,000	$5,688.19		107	7,092	X				
127	460731	Department of the Army.	Personnel administrative assistant.	24	9	Pleaded guilty to charge that while employed by the U.S. Immigration and Naturalization Service, Department of Labor, be unlawfully, willfully, and knowingly aided, advised, and encouraged certain named persons, not entitled, to secure naturalization. Convicted of violation of title 18, U.S. Code, sec. 414 (now sec. 1425).	January 1031 through Nov. 16, 1931.	Aug. 31, 1957	Optional retirement	May 12, 1935			1 year and 1 day (counts 1 and 2).	3 years (count 3)	$20,000	$3193.75		147	4,704	X				
128	493720	Post Office	Regular carriar	28	8	Charged with embezzlement of mail matter in violation of title 18, U.S. Code, sec. 1709.	Prior to Jan. 30, 1949	Jan. 30, 1949	Dropped—Rifling mail	Apr. 8, 1949			3 years	$18,000	$4,305.15		144	4,334	X				
129	504781	do	Clerk	19	8	Charged with rifling and theft of mail in violation of title 18, U.S. Code, sec. 318 (now sec. 1709).	Prior to Jan. 28, 1946	Jan. 30, 1946	Removal	Jan. 28, 1946	$200	Suspended	18 months.	$9,800		2,797.45					X		
130	510831	do	Mail handlar	19	10	Charged with theft and rifling of mail in violation of title 18, U.S. Code, sec. 1709.	Prior to Dec. 8, 1957	Dec. 8, 1957	do	Dec. 30, 1957	Made restitution in the amount of $75.	do	6 months	$16,000	$3,175.17		102	2,856	X				
131	505341	do	Clerk	26	5	Charged with theft of mail in violation of title 18, U.S. Code, sec. 318 (now sec. 1709).	Prior to July 28, 1948	Sept. 9, 1948	Dropped cause	Sept. 27, 1948		do	1 year	$18,000	$3,872.37		128	3,268	X				
132	511702	do	Postmaster	0	1	Obarged with violation of title 18, U.S. Code, sec. 318 (now sec. 1703).	Prior to May 7, 1047	May 7, 1047	Removal	Oct. 23, 1947		do	do	$2,000	$347.13		17	442	X				
133	479823	do	Carrier	15	11	Charged with theft of mail in violation of title 18, U.S. Code, sec. 1709.	Prior to July 20, 1950	Sept. 9, 1950	do	June 5, 1951		do	do	$11,000		1,928.93	86	2,820		X			
134	C8F-321381	Library of Congress	Microphotographers	21	2	While an employee of the post office charged with stealing and rifling of mail in violation of title 18, U.S. Code, secs. 317 and 318 (now sec. 1709).	Prior to Mar. 9, 1935	Jan. 28, 1957 [5]	Death	Apr. 2, 1935			2 years	$7,000	$2,404.74		56	2,184	X				
135	520371	Post Office	Clerk	16	5	Obarged with theft of mail in violation of title 18, U.S. Code, sec. 1709.	Prior to Jan. 13, 1953	Feb. 12, 1953	Removed—cause	Mar. 30, 1953		Suspended	2 years	$12,000	$2,570.25		95	2,339	X				
136	519939	Philadelphia Naval Shipyard.	Boilermakar	30	0	While employed by Post Office charged with theft of mail in violation of title 18, U.S. Code, sec. 1709.	Prior to Aug. 7, 1929	Dec. 31, 1957 [6]	Retirement	Sept. 17, 1929			3 months	$39,000		5,048.78	235	6,580	X				
137	418719	Post Office.	Rural carrier	37	1	Charged with delay of mail and embezzlement of funds in violation of title 18, U.S. Code, sec. 1711.	Prior to Jan. 9, 1956	Jan. 9, 1956	Removed	Mar. 5, 1956	$500.00	Suspended	5 years	34,000	7,697.38	(7)	218	5,668	X				
138	527763	do	Mail handler	31	8	Obarged with rifling and opening mail in violation of title 18, U.S. Code, sec 1703(a).	Prior to Feb. 7, 1958	Feb. 7, 1958	Removal	Feb. 17, 1958		do	1 year	$20,000	$5,035.09		197	5,122	X				
139	522179	do	Clerk	13	10	Charged with embezzlement of c.o.d. funds in violation of title 18, U.S. Code, sec. 1711.	Prior to Mar. 29, 1951	May 3, 1951	do	Apr. 25, 1951		do	3 years	$10,000	$1,915.69		75	1,779	X				
140	501668	New York Quartermaster Procurement Agency, Department of the Army.	Clothing inspector	15	6	Solicitation and acceptance of bribe in violation of title 18, U.S. Code, sec. 202.	Prior to Sept. 10, 1951	Nov. 14, 1952	do	Sept. 19, 1951	$500		3 years	$13,000	$2,215.25		96	2,597	X				
141	504109	Foreign Economic Administration.	Social economist	8	11	On 3 occasions refused to testify before a House Committee on Un-American Activities as to his Communist Party membership. In hearings held by representatives of the Commission on Nov. 12, 1942, and by the Board of Economic Warfare on Mar. 11, 1943, knowingly and willfully denied membership in the Communist Party.	Nov. 12, 1942, and Mar. 11, 1943.	Feb. 28, 1945	Resignation						Annuity paid from Jan. 1, 1955, to May 31, 1958; $255.	3,687.53	56	1,533						X
142	520461	Post Office Department	Carrier	21	2	Charged with theft and rifling of mail in violation of title 18, U.S. Code, sec. 1709.	Prior to Mar. 14, 1949	Apr. 24, 1949	Removed	Mar. 25, 1949		Suspended	3 years	$15,000	$2,763.85		103	2,539	X				
143	504108	do	Rural carrier	36	10	Charged with embezzlement and theft, detaining, delaying and opening of mail in violation of title 18, U.S. Code, secs. 1709, 1707, and 1703A.	Prior to Oct. 2, 1957	Oct. 4, 1957	Optional retirement	Apr. 11, 1958		do	1 year	$14,000		6,203.27	255	7,650	X				
144	514989	do	Postmaster	24	11	Charged with violation of title 18, U.S. Code, sec. 1711.	Prior to Sept. 26, 1950	Sept. 26, 1960	Removed	Nov. 3, 1960		do	5 years	$19,000	$3,033.44		140	8,194	X				
145	521575	do	Carrier	24	2	Charged with embezzlement and rifling of mail in violation of title 18, U.S. Code, in violation of title 18, U.S. Code, secs. 1709 and 1711.	Prior to Nov. 29, 1947	Nov. 29, 1947	do	Mar. 15, 1948	$100 plus costs of $39.75	do	do	$12,000	$3,387.30		91	2,243	X				
146	518195	OPA	Inspector	11	5	Charged with embezzlement of Government funds in violation of title 18, U.S. Code, secs. 176 and 183.	Prior to Mor. 28, 1939	Dec. 7, 1945	Resignation	May 8, 1939		do	do	$3,900		142.42	32	875	X				
147	533525	Post Office	Clerk	28	0	Charged with theft and rifling of mail in violation of title 18 U. S. Code, sec. 1709.	Prior to Dec. 30, 1952	Dec. 30, 1952	Removal	Mar. 3, 1953	$100 on each of 3 counts	do	1 year and 1 day on each of 3 counts to run concurrently.	$21,000		4,745.78	154	3,234	X				

[1] Annuity paid from Dec. 1, 1956, to Mar. 31, 1957
[2] Removed by post office. Reemployed intermittently from Nov. 23, 1942, to Sept. 19, 1951.
[4] Separated from Post Office Department on Mar. 9, 1935. Reemployed, Navy Department and Library of Congress.
[5] Separated by Post Office Department on Aug. 7, 1929. Reemployed Philadelphia Naval Shipyard.
[7] Includes $4,950 in annuity paid from Feb. 1, 1956 to Feb. 28, 1958.

EXHIBIT A—Continued

Summary of annuity claims denied under Public Law 769—Continued

(1) Case No.	(2) Claim No. CSA	(3) Agency in which last employed	(4) Position	(5) Service Years (a)	(5) Service Months (b)	(6) Description of offense	(7) Date of offense	(8) Date of final separation	(9) Reason for final separation	(10) Sentence of the court (as reported by agency) Date (a)	Fine (b)	Prison (c)	Years of probation (d)	(11) Present value of annuity denied by Public Law 769	(12) Approximate refund due Paid (c)	(12) Unpaid (b)	(13) Annuity Monthly (a)	(13) Accrued to Apr. 30, 1960 (b)	(14) H.R. 4601 would remove bar to payment	(15) Bar to payment already removed by— Presidential pardon (a)	Court of Claims decision (b)	Reappraisal of evidance (c)	(18) Not affected by H.R. 4601, denied Communist party membership
148	504884	Navy	Cook	15	0	Charged with unlawfully transporting, transferring, and selling certain compound (marihuana) in violation of title 26, U.S. Code, secs. 1399c, 1309D, and 1399E.	Jan. 3, 1938	Oct. 31, 1957	Optional retirement	June 10, 1938		5 years count 1, 2 years count 2; paroled Dec. 20, 1940.	5 years count 3	$14,000	$1,078; annuity paid for Nov. 1, 1957, 8ept. 30, 1957.	$1,823.05						X	
149	CSF-843585	Department of the Army	Janitor	9	11	Charged with theft of mail from PO boxes in violation of title 18, U.S. Code, sec. 317 (now sec. 1708).	Dec. 30, 1946	Oct. 29, 1957	Death	Jan. 27, 1947				$23,000	$1,597.22[8]		$126	$3,780	X				
150	523426	Army Air Force	Heod operating engineer	15	7	Under articles of war 93 charged hy general court martial of fraudulently converting to own use 24,000 francs entrusted to him lor purpose of oxchange ot the American canteen.	Jan. 28, 1919	May 31, 1958	Optional retirement	May 22, 1919	(Dishonorably discharged from U.S. Army. Forfeiture of all pay and allowances due).	2 years	8uspension	$12,000	$3.003.53 [9]		104	2,392	X				
151	499789	Post Office	Clerk	34	3	Knowingly and wilfully made false stotement and concealed a material fact with respect to his membership in the Communist Party in signed statomant to FBI on Nov. 27, 1941.	Nov. 27, 1941	Dec. 19, 1949	Removed					$17,000	$2,038.35		133	3,156					X
152	554200	do	Postmaster	10	5	Charged with embezzlement of postal funds in violation of title 18, U.S. Code, sec. 1711.	Prior to Apr. 4, 1958	July 10, 1958	Removol	Aug 28, 1958		9 months		$7,000	$1,635.44		55	1,155	X				
153	534801	Bureau of Customs, Treasury Dopartment.	Clerk storekeeper	22	5	Charged with violation of title 18, U.S. Code, sec. 549. Offense committed in the exercise of his power and privilege as a Federal employee.	Prior to Mar. 11, 1950	June 10, 1950	do	Apr 19, 1950		12 months		$17,000	$2,903.85		120	2,829	X				
154	527820	Novy	Painter	13	8	Charged with theft of war savings certificates with 12 wer savings stamps affixed thereto in violatiou of title 18 U.S. Code, sco. 641.	Prior to July 21, 1922	June 30, 1958	Disahility retiremant	Aug. 1, 1922			Not disclosed	$23,000		2,833.99						X	
155	548990	Post Office	Special olerk	27	4	Charged with embezzlement of interest payments on postal savings certificates in violation of title 18 U.S. Code, sec. 355 (now sec. 1711).	May 16, 1947	May 18, 1947	Removal	June 9, 1947		1 year and 1 day on each of 3 counts to run concurrently.		$13,000	$3,741.39		97	1,552	X				
156	534019	do	Postmaster	23	6	Charged with embezzlement of lettar mail in violation of title 18 U.S. Code, sec. 1709.	Prior to Apr. 10, 1958	Apr. 25, 1958	Resignation	June 5, 1958			2 years	$23,000	Annuity paid from May 1, 1958, to Nov. 30, 1958—$1,162.	2,853.21	166	3,984	X				
157	551869	do	Assistant Postmaster	26	11	Charged with embezzlement in violation of title 18, U.S. Code, secs. 1711 and 2073.	Prior to Apr. 22, 1943	June 19, 1943	Discharged with prejudice.	May 21, 1943			3 years	$2,000	$207.13		17	337	X				
158	540955	Air Force	Production controller	21	8	While employed by Post Office Department as postmaster charged with embezzlement in violation of title 18, U.S. Code, sec. 1709. (Reemployed Dec. 17, 1942, to June 30, 1958.)	Prior to July 24, 1924	June 30, 1958	Mandatory retirement	Oct. 23, 1924		2 years		$21,000	$3,923.51		178	3,872	X				
159	543455	Post Office Department	Clerk	27	1	Charged with theft of mail in violation of title 18, U.S. Code, sec. 1708.	Prior to May 1, 1953	May 1, 1953	Removal	June 22, 1953			2 years	$20,000	$3,993.58		142	2,556	X				
160	535974	do	Foreman	35	8	Charged with theft and rifling of letter mail in violation of title 18, U.S. Code, sec. 1709.	Prior to June 30, 1958	June 30, 1958	do	Oct. 31, 1958		Suspended	8 years	$44,000	$6,351.27		290	6,380	X				
161	439809	Department of the Army	Warehouse foreman	19	11	Charged with conspiracy to unlawfully commit theft of Oovernment property in violation of title 18, U.S. Code, secs. 371 and 641.	About Jan. 6, 1950, to Mar. 15, 1956.	Dec. 14, 1956	Disability retiremant	Nov. 26, 1958	$250	9 months		$28,000	$2,201.81, paid annuity from Nov. 1, 1956–Dec. 31, 1957.		181	5,058	X				
162	545875	Post Office	Clerk	14	9	Charged with violation of title 18, U.S. Code, sec. 1711.	Prior to Jan. 7, 1952	Jan. 10, 1952	Removal	Jan. 18, 1952	200		1 year	$11,000	$2,212.13		79	1,501	X				
163	547050	do	do	37	9	Charged with theft and rifling of letter mail in violation of title 18, U.S. Code, sec. 1709.	Prior to Juno 4, 1958	June 4, 1958	do	June 27, 1958			2 years	$47,000	$7,376.75		263	5,736	X				
164	544607	do	Rural carrier	25	10	Charged with opening letter mail and extracting money order stub receipts and substituting altered receipts sent to patrons in violation of title 18, U.S. Code, sec. 1703.	Prior to Nov. 9, 1950	Mar. 31, 1951	do	Nov. 9, 1950	[16]	3 months [16]	2 years on counts 2, 3, 4, 5.	$19,000	$3,876.02		138	2,898	X				
165	542778	Puget Sound Naval Shipyard.	Electrician	24	6	Charged with embezzlement nf postal funds in violation of title 18 U.S. Code, sec. 189, now sec. 2073. (Removed by Post Office Department on Mar. 31, 1943. Reemployed by Puget 8ound Navy Yard on May 4, 1943.)	Prior to Nov. 12, 1942	Oct. 31, 1958	Disability retirement	Nov. 30, 1942			18 months	$31,000		4,307.00					X			
166	417626	Post Office	Clerk	36	7	Charged with fraud in violation of title 18, U.S. Code, sec. 1341.	Prior to Nov. 20, 1954	Jan. 31, 1956	Optional retirement	June 14, 1957	$1,000			$39,000		4,204.65	182	5,907	X				
167	560747	do	Foreman	30	4	Charged with theft of letter mail in violation of title 18, U.S. Code, sec. 1709.	Prior to May 17, 1958	May 17, 1958	Resignation	Dec. 19, 1958		8uspended	3 years	$45,000		7,707.45	248	5,704	X				
168	560154	do	Postmaster	14	11	Charged with embezzlement of postal funds in violation of title 18, U.S. Code, sec. 1711.	Prior to Aug. 31, 1955	Aug. 31, 1955	Removed	Nov. 1, 1955		do	2 years	$7,000	$943.14		49	784	X				
169	558977	Commerce	Economist	18	8	In sworn statement to the FBI in 1942 and in standard form 57 in 1943 and 1948 denied membership in Communist Party. On Feh. 15, 1956, before the House Committee on Un-American Activities, declined on the grounds of self-incrimination to namo the agency or agencies of the Federal Oovernment where she had been employed.		June 3, 1949	Resignation					$16,000	$1,062 [11]	2,745.82	118	2,478					X
170	559464	Department of the Army	Production assistant	32	9	Charged with embezzlement of postal funds in violation of sec. 2312, Postal Laws and Regulations of 1932, now section 1711 of title 18, U.S. Code. (Removed by Post Office Department July 31, 1937, reemployed Dec. 8, 1942, to Sept. 27, 1945.)	Prior to July 31, 1937	Sept. 27, 1945	Reduction in force	Dec. 13, 1937	$181.63 plus costs of $45.	8uspended	5 years	$19,000		349.27	88	9,696	X				
171	565023	Air Force	Guard supervisor	47	0	While an employee of the Post Office Department charged with violation of title 18, U.S. Code, sec. 386 (now sec. 1711). Separated by Post Office Department Dec. 8, 1937. Reemployed by Veterans' Administration Mar. 18, 1938.	Prior to June 29, 1937	Dec. 31, 1958	Retirement	Nov. 13, 1937		do	do	$32,000	$3,764.13		299	4,784	X				
172	538385	Post Office	Postmaster	21	0	Charged with embezzlement of postal funds and falsification of records in violation of title 18, U.S. Code, secs. 355 and 329 (now secs. 1711 and 1712).	Prior to May 17, 1943	May 17, 1943	Discharged	June 7, 1943		do	3 years	$9,000	$159.83		Dead.						
173	570094	Navy	Plumber	18	5	Charged with violation of title 18, U.S. Code, sec. 355 (now sec. 1711) for shortage of postal savings account. Removed hy Post Office Department Dec. 8, 1932. Reemployed by Navy Department Sept. 10, 1944.	Prior to Nov. 28, 1932	May 23, 1948	Resignation	Feb 28, 1934		3 years		$2,300	None. Govarnment claim in file.		17	170	X				
174	CSF-406127	Post Office	Carrisr	26	2	Charged with theft of mail in violation of title 18, U.S. Code, sec. 318 (now sec. 1709).	Prior to Jan. 18, 1947	Jan. 18, 1947	Removed	Jan. 21, 1947		Suspended	5 years	$1,531.75 [10]						X			
175	582052	do	do	29	4	Charged with misappropriation of postal funds in violation of title 18, U.S. Code, sec. 1711.	Prior to Nov. 23, 1949	Jan. 21, 1950	Removed. Embezzlemant of public moneys.	Jan. 11, 1950		1 year		$19,000	$4,234.92		136	1,274	X				
176	577589	Post Office Department	Clerk	11	11	Charged with theft of letter mail in violation of sec. 2345, Postal Laws and Regulations (title 18, U.S. Code, sec. 1709).	Prior to Mar. 13, 1948	Mar. 13, 1948	Removed	Apr. 13, 1948		Suspended	2 years	$3,000	$966.36		41	492	X				
177	580451	Treasury	do	32	6	Charged with embezzling mail and abstracting the contents in violation of title 18, U.S. Code, sec. 318 (now sec. 1709) [13]	Prior to Jan. 19, 1933	May 31, 1959	Retirement	Feb. 8, 1933		4 months in custody of Attorney General.		$29,000	$3182.85		166	1,826	X				
178	576585	Air Force	Engineering draftsman	12	5	In applications for employment, knowingly and wilfully made false statements and concealed material facts with respect to his prior membership in the Communist Party.	Mar. 16, 1950, Aug. 31, 1950, and Sept. 11, 1950.	Feh. 7, 1950	Inefficiency					$8,000		1,547.83	59	472					X
179	585675	Post Office	Clerk	26	1	Charged with theft of mail in violation of title 18, U.S. Code, sec. 318 (now sec. 1709).	Prior to Nov. 14, 1944	Dec. 25, 1944	Removal	Jan. 30, 1945			1 year	$2,100	$2,237.78 paid Sept. 28, 1945; $359.3f paid Oct. 22, 1959.		f5	210	X				
180	556868	CSA	Painter	27	3	Charged with theft of mail in violation of title 18, U.S. Code, sec. 318 (now sec. 1709).	Prior to Moy 15, 1933 [14]	Jan. 31, 1959	Optional retiremant	May 15, 1933	Restitution of $103.53 to be made within 6 months.		2 years	$29,000		3,578.09	181	2,715	X				
181	583682	Treasury Department	Administrative officer	20	6	Charged with violation of sec 4047(e)(8), title 28, U.S. Code—performance of acts hy revenue employees to anabla persons to defraud the United States of income tax.	Prior to July 15, 1949	July 15, 1949	Removal	July 10, 1950		6 months		$20,000	$4,577.50		148	740	X				
182	594124	Post Office Department	Rural carrier	28	0	Charged with converting money to his own use in violation of title 18, U.S. Code, sec. 1711.	Prior to May 9, 1949	June 30, 1949	Discharged hy removal	June 9, 1949	$100	Suspended		$18,000	$4,044.86		129	1,161	X				
183	568398	do	Postmaster	17	5	Charged with theft of mail in violation of title 18, U.S. Code, sec. 1709.	Prior to Mar. 24, 1959	Mar. 26, 1959	Removal	June 30, 1959		do	1 year	$18,000	$745 [15]	3,929.52	149	1,937	X				
184	600454	Navy	Ordnanceman	23	5	Charged with theft and rifling of parcel post mattor in violation of sec. 196, ch. 321, Criminal Code, now title 18, U.S. Code, sec. 1707.	Prior to Oct. 9, 1925 [17]	Feh. 12, 1948	Reduction in force	Oct. 26, 1925		30 days		$11,000	$2036.89		54	4,428	X				
185	608508	Post Office Department	Clerk-in-charge	42	1	Charged with embezzlement of money order funds in violotion of title 18, U.S. Code, sec. 1711.	Prior to Aug. 19, 1954	Sept. 30, 1954	Removal	Jan. 6, 1955		3 months		$16,000 [17]						X			
186	591641	Interior	Farmer	24	5	Charged with misappropriation of Oovernment property in violetion of title 18, U.S. Coda, sec. 641. Offense committed in the exercise of his privilege as a Oovernment employee.	Prior to Apr. 17, 1959	Apr. 17, 1959	do	June 8, 1959		Suspended	8 years	$16,000		8,286.75	127	1,524	X				
187	593831	do	Area land officer	29	10	Charged with violation of sec. 371, title 18, U.S. Coda, conspiracy to defraud the Covernment. Also chargad with violation of sec. 1001, title 18, U.S. Coda, on 2 counts—fraudulent statements in applications for patents and fees and false statements in relation to representations mada to the Bureau of Indian Affairs in regard to acquisition of lands for the Confederate Tribes on the Warm Springs Reservation. Offenses committed in the exercise of his power and privilege as a Covernment employee.	Prior to Apr. 11, 1952	Aug. 26, 1952	Removal	May 14, 1953	$5,000	6 months on each of 4 counts to run concurrently.		$33,000		6,546.54	240	1,680	X				
188	601659	Post Office	Clerk	14	8	Charged with theft of letter in violation of title 18, U.S. Code, sec. 318 (now sec. 1709).	Prior to July 2, 1945	July 12, 1945	do	July 2, 1945		Suspended	3 years	$5,000	$424.59		40	440	X				
189	594273	Post Office Department	Drivar-mechanic	14	4	In executing his appointment affidavit on Nov. 2, 1942, and in furnishing information for completion of standard form 84 dated Feh. 9, 1948, knowingly and willfully made false and fraudulant statements or representations and concealed material facts with respect to his membership in tha Communist Party.	Nov. 2, 1942, and Feh. 9, 1948.	Aug. 31, 1959	Optional retirement					$12,000	$752, annuity paid, from Sept. 1, 1959, to Apr. 30, 1960.	1,525.05	94	792					X

[8] Annuity denied widow and 2 children.
[9] Annuity of $416 paid for June 1, 1958 to Sept. 30, 1958.
[10] $1 and costs on count 1.
[11] Annuity paid from Aug. 1, 1958 to Apr. 30, 1959.
[12] Annuity accrued from Sept. 1, 1957 to Jan. 18, 1959. Pardoned Jan. 19, 1959. Died July 1, 1959.
[13] Removed hy Post Office Department Jan. 3, 1933. Intermittently employed from Sept. 15, 1939 to May 31, 1959.
[14] Removed by Post Office Department on Moy 15, 1933. Intermittently reemployed from Jan. 14, 1943, to Jan. 31, 1959.
[15] Annuity paid from Apr. 1, 1959, to Aug. 31, 1959.
[16] Removed for cause hy Post Office Department, reemployed from May 2, 1927 to Feh. 12, 1948.
[17] Annuity denied from Oct. 1, 1954, to Dec. 31, 1959. Pardoned Dec. 23, 1959.

Summary of annuity claims denied under Public Law 769—Continued

FINAL—MAY 1960

(1) Case No.	(2) Claim No. CSA	(3) Agency in which last employed	(4) Position	(5) Service Years	(5) Service Months	(6) Description of offense	(7) Date of offense	(8) Date of final separation	(9) Reason for final separation	(10) Sentance of the court (as reported by agency) Date (a)	Fine (b)	Prison (c)	Years of probation (d)	(11) Present value of annuity denied by Public Law 769	(12) Approximate refund due Paid (a)	(12) Unpaid (b)	(13) Annuity Monthly (a)	(13) Accrued to Feb. 28, 1961 (b)	(14) H.R. 6141 would remove bar to payment	(15) Bar to payment already removed by— Presidential pardon (a)	Court of Claims decision (b)	Reappraisal of evidence (c)	(16) Not affected by H.R. 6141; denied Communist party membership
190	596–368	Air Force	Stock control clerk	22	2	Charged with misappropriation of postal funds under 35 Stat. 1133, revised Mar. 4, 1909 (now title 18, U.S.C., sec. 1711). Removed by Post Office Department on Feb. 24, 1923. Reemployed intermittently from Feb. 4, 1942, to date of retirement.	Jan 25, 1923	July 31, 1959	Retirement	Jan. 24, 1924		6 months		$18,000	$2,824.98		$133	$2,527	X				
191	426164	Veterans' Administration.	Medical technician.	30	9	While serving in U.S. Army charged with stealing and selling narcotics. Indicted and found guilty of violation of title 18, U.S.C., sec. 82, theft of Government property (Employed in Federal civilian service from Feb. 1, 1938, to July 31, 1956.)	Prior to Nov. 3, 1937	July 31, 1956	Disability retirement.	Nov. 3, 1937	(1)	(1)	(1)	6,709						X			
192	545183	Post Office Department.	Carrier	17	2	Charged with theft of mail in violation of title 18, U.S.C., sec. 1703.	Oct. 29, 1958	Nov. 29, 1958	Removal	Dec. 10, 1959	$300	Suspended	2	23,000	3,312.07		126	3,402	X				
193	613964	do	Clerk	19	8	Charged with embezzlement of postal funds in violation of title 18, U.S.C., sec. 1711.	Prior to July 29, 1950.	Aug. 14, 1959	do	July 29, 1959			3	20,000		$4,846.49	137	2,466	X				

JUNE 1960

194	627732	Post Office	Postmaster	30	4	Charged with embezzlement in violation of title 18, U.S.C., sec. 1700.	Prior to Sept. 16, 1959.	Sept. 25, 1959	Removal	Jan. 23, 1960		Suspended	3	$20,000	$3,876.98		$148	$2,516	X				
195	580983	do	Clerk	35	5	Charged with 4 counts of embezzlement in violation of title 18, U.S.C., sec. 1709.	Prior to Nov. 10, 1958.	Dec. 15, 1958	do	Jan. 30, 1959		2 years on each of 2 counts to run concurrently.		42,000		$7,107.80	251	6,869	X				

JULY 1960

196	618439	Post Office	Carrier	29	10	Charged with theft and rifling of mail in violation of title 18, U.S.C., sec. 1709.		May 17, 1951	Removal	Apr. 20, 1951		5 months		$12,000		$2,444.52	$84	$588	X				

AUGUST 1960

197	623674	Post Office Department.	Carrier	30	1	Charged with embezzlement in violation of title 18, U.S.C., sec. 1711.	Prior to Nov. 23, 1954.	Nov. 23, 1954	Removal	Dec. 31, 1954		Suspended	2	$23,000	$4,242.40		$168	$1,512	X				
198	620980	Agriculture	Administrative assistant.	15	9	Charged with conspiracy to defraud the United States by corruptly administering the affairs of the Federal Land Bank at St. Paul, Minn., in violation of title 18, U.S.C., sec. 88. Knowingly made fraudulent statements or representations in a matter within the jurisdiction of the Federal Land Bank of St. Paul, a corporation, in which the United States was a stockholder. For this latter offense he was charged with violation of title 18, U.S.C., sec. 80, on each of 9 counts.	Prior to Aug. 1, 1947.	Aug. 1, 1947	Reduction in force.	Jan. 14, 1949	$1,000.00	6 months		7,000		$1,281.43	35	1,917	X				

SEPTEMBER 1960

199	624564	Post Office	Money order supervisor.	27	9	Charged with embezzling and converting to his own use $250 in postal funds in violation of title 18, U.S.C., sec. 355 (now sec. 1711).	Mar. 15, 1943, to June 15, 1944.	July 15, 1945	Removal	June 15, 1945		Suspended	[3]	$18,000	$2,911.83		$110	$5,410	X				

OCTOBER 1960

200	617941	Treasury Department.	Guard	18	9	In executing Standard Form 57, Application for Federal Employment, dated Dec. 10, 1948, fraudulently concealed past membership in the Communist Party, Omaha, Nebr., during the middle 1930's.	Dec. 10, 1948	Dec. 14, 1954	Resignation					$13,000	[4] $460.00	$2,235.00	$92	$460						X
201	630907	Post Office	Mail handler	25	4	Charged with stealing letter mail in violation of title 18, U.S.C., sec. 1709.	Prior to Oct. 17, 1949.	Nov. 15, 1949	Removal	Dec. 6, 1949		Suspended	1	14,000	3,962.41		104	936	X				

NOVEMBER 1960

202	645706	Post Office	Carrier	21	0	Charged with embezzlement of letter mail in violation of title 18, U.S.C., sec. 318 (now sec. 1709).	Sept. 10, 1945	Oct. 12, 1945	Removed	Oct. 15, 1945		Suspended	2	$1,700	$1,408.87	$446.67	$13	$104	X				
203	388604	Navy	Machinist	21	11	In 1947, in furnishing information on Standard Form 84: "Request for Report on Loyalty Data" failed to show membership in Communist Party and thereby concealed material fact with respect to membership in, or affiliation with, the Communist Party. In answer to interrogatory of the Navy Department in January 1954, denied membership in Communist Party and made false statement in this respect.		Aug. 4, 1954	Removal					25,000		3,728.47	150	9,935						X

DECEMBER 1960

204	618270	Post Office Department.	Postmaster	30	1	Charged with converting to personal use postal funds amounting to $167.19 in violation of title 18, U.S.C., sec. 1711.	Prior to Dec. 16, 1959.	Jan. 31, 1960	Optional retirement.	Oct. 28, 1960	$167.19		1	$23,000.00	$1,309.00 in annuity	$643.95	$119	$238	X				
205	649835	do	Clerk	17	6	Charged with theft of letter mail in violation of title 18, U.S.C., sec 1709.	Prior to Dec. 7, 1948.	Dec. 7, 1948	Removal	Feb. 11, 1949		Suspended	3	11,000.00		2,747.70	81	491	X				
206	541954	do	Carrier	19	11	Charged with embezzlement of letters (2 counts) in violation of title 18, U.S.C., sec. 1703.	Aug. 2, 1950, and Aug. 3, 1950.	Sept. 30, 1950	do	Apr. 20, 1951		1 year and 1 day		[12] 2,480.40						X			

JANUARY 1961

207	649297	Post Office Department.	Rural carrier	14	11	Charged with embezzlement, falsifying official records and secreting mail mattor in violation of title 18, U.S.C., secs. 180, 318, and 356 (now 1706, 1709, and 1711).	About July 1, 1943, to Jan. 4, 1944.	Mar. 31, 1944	Removed	May 24, 1944		1 year and 1 day on each of 6 counts to run concurrently.		$2,800.00	$523.75 227.09		$18	$724	X				

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208	653599	Department of the Army.	Storekeeper	20	6	Charged with stealing and delaying letter mail in violation of title 18, U.S.C., sec. 318 (now sec. 1700). Removed by Post Office Department on Oct. 15 1937. Reemployed May 17, 1943.	Prior to Sept. 3, 1937.	Jan. 3, 1944	Removed [6]	Nov. 5, 1937 June 8, 1939 [7]		Suspended 18 months.	4	$1,100	$1,333.71 51.67		$0	$34	X				
209	639009	Naval Weapons Plant.	Toolroom attendant.	20	6	Charged with theft of letter mail in violation of title 18, U.S.C., sec. 318 (now sec. 1709). Removed by Post Office Department on June 17, 1936. Reemployed June 25, 1942.	Prior to June 4, 1936.	Jan. 31, 1961	Disability retirement.	July 24, 1936		3 months		[8] 1,038						X			
210	619123	Post Office Department.	Carrier	21	10	Misappropriation of Government funds in violation of title 18, U.S.C., secs. 2 and 1711.	December 1959 and January 1960.	Mar. 25, 1960	Removal	May 17, 1960		Suspended	1 year	36,000	485.00	$4,002.35	155	1,860	X				
211	228138	Veterans' Administration.	Contact representative.	27	8	While an employee with a Veterans' Administration hospital defrauded patient of $200 in violation of title 18, U.S.C., sec. 654.	Prior to Apr. 28, 1949.	Apr. 28, 1949	do	May 31, 1950			[9]	20,000	710.53		146	4,575	X				
212	631532	Department of the Army	Laborer	18	10	While an employee of the Rock Island Arsenal charged with theft of Government property in violation of title 18, U.S.C., sec. 100. Discharged from Federal employment June 27, 1942. (Employed Aug. 31, 1943–Feb. 23, 1946, and from Aug. 19, 1947).	Prior to June 9, 1942.	May 31, 1960	Retirement	June 9, 1942	$300.00		3	15,000	1,044.90	2,435.54	130	1,170	X				
213	657528	Post Office Department.	Truckdriver	31	3	Removal from letter drop—ordinary letter containing $7.42 in currency and coin. Charged with theft of mail in violation of title 18, U.S.C., sec. 1709.	Feb. 12, 1960	Feb. 12, 1960	Removed	Mar. 16, 1960		Suspended	2	47,000		6,560.80	231	2,011	X				

[1] Imposition of sentence suspended for 3 years upon condition defendent will not violate any criminal laws of the United States or State in which he may reside and be of uniform good behavior.
[2] Annuity from Aug. 1, 1956, to Dec. 31, 1959; pardoned Dec. 23, 1959.
[3] Probation terminated July 3, 1947.
[4] Annuity paid from May 1, 1960, to Sept. 30, 1960.
[5] Annuity from Aug. 16, 1958, through Oct. 12, 1960. Presidential pardon Oct. 13, 1960.
[6] Failure to indicate previous arrests on application for employment.
[7] Violated probation.
[8] Annuity denied June 23, 1960–Jan. 17, 1961, inclusive. Presidential pardon Jan. 18, 1961.
[9] 1 year and 1 day served in prison from July 12, 1950, to Nov 4, 1950—paroled.

Exhibit B

Department of Defense, Military Personnel

Summary of cases in which retired pay has been denied under Public Law 769, 83d Cong.

Case No.	Agency in which last employed	Rank at retirement	Service: Years	Service: Months	Description of offense	Date of offense	Date of final separation	Reason for final separation	Sentence of the court-martial: Date	Forfeitures	Confinement	Years of probation	Other	Present value of retired pay denied by Public Law 769	Retired pay: Monthly	Retired pay: Accrued to Feb. 28, 1961	H.R. 6141 would remove bar to payment
1	Marine Corps	1st lieutenant	21	3	Forgery in violation of art. 123 of the Uniform Code of Military Justice.	Prior to January 1960.	Mar. 1, 1961	Retirement	Jon. 4, 1960	$600	None	None	Reprimand an loss of 250 numbers in rank.	$90,720	$236.25	Nona	X
2	do	Chief warrant officer.	24	9	Stole $500 in U.S. currency belonging to a Marine Corps exchange, in violation of art. 121 of the Uniform Code of Militarp Justice.	Prior to Juna 1952.	Sept. 1, 1954	do	June 30, 1952	$750	do	do	Loss of 1,000 numbers in rank.	$98,575	$283.55	22, 117	X
3	do	Master sergeant	29	11	Made false stateinents in connection with travel claims against the Oovernment in violation of 18 U.S.C. 1001.	Prior to June 1960.	Feb. 28, 1057	do	June 6, 1960	None	do	2 years	Nona	$79,992	$266.64	2, 346	X
4	do	do	19	5	Made false, fictitious, and fraudulent statements and entries in connection with a travel claim ogainst the Government in violation of 18 U.S.C. 1001.	Prior to Jamiary 1960.	Jan. 31, 1058	Transfer to Fleet Marine Corps Reservo.	Jan. 13, 1960	do	do	5 years	do	$63,847	$161.23	2, 160	
5	do	do	21	3	Embezzled mail matter in violation of 18 U.S.C. 1709	Prior to November 1960.	Dec. 18, 1958	Retirement	Nov. 20, 1960	$100	do	None	do	$70,560	$183.75	551	X
6	do	Staff sergeant	20	7	Wrongfully appropriated o Government vehicle in violation of art. 121 of the Uniform Code of Military Justice. Falsely mode, used, and had in his possession a vehicle trip ticket in violation of art. 134 of the Uniform Code of Military Justice.[1]	Prior to March 1954.	June 30, 1961	do	Mar. 4, 1054	Nona	do	do	Reduction in rank.	$48,384	$126	None	X
7	do	Sergeant	19	10	Stole property of the United Stotes valued at about $68.61, in violation of art. 121 of the Uniform Code of Military Justice.	Prior to October 1953.	Jon. 31, 1961	Transfer to Fleet Marine Corps Reserve.	Oct. 23, 1953	$432.60	do	do	do	$47,520	$120	120	X
8	do	Corporal	10	8	Stole and forged U.S. Treasury checks belonging to other persons, in violation of arts. 121 and 123 of the Uniform Code of Military Justice.	Prior to Aprll 1950	June 30, 1960	do	Apr. 27, 1960	Nona	do	do	do	$37,620	$95	760	X
9	do	do	19	6	Concealed public records in violation of art. 134 of the Uniform Code of Military Justice.	Prior to July 1954.	Jan. 31, 1961	do	July 21, 1954	None	do	6 months	do	$37,620	$95	95	X
10	Air Force	Airman, 1st class.	20	2	Charged with presenting for payment a fraudulent claim in the amount of $291 for travel which was not performed by his wife and children from Anchorage, Alaska, to Michigan in violation of art. 132 of the Uniform Code of Military Justice.	On or about Jan. 9, 1954.	Mar. 31, 1961	Retirement	Aug. 4, 1954	do	3 months	(1)	Bad conduct discharge.	$35,591	$105	None	X
11	do	Chief warrant officer (W-3).	24	1	Charged with stealing scrap metal valued at more than $50, property of the United States (2 counts) and stealing 545,000 yen, of a value of about $1,515.67 property of the United States, in violation of art. 121 of the Uniform Code of Military Justice.	July 1 to Dec. 13, 1956.	Mor. 23, 1961	Disability retirement.	Aug. 20, 1959	$200 per month for 12 months.	1 year	Noue	None	$113,909	$304	None	X
12	do	Master sergeant	21	9	Cbarged with unauthorized use of military vehicles on 3 occasions in violation of orticle of war 04 and false swearing in violation of article of war 95.	Feb. 5, Mar. 13, 14, and 19, 1942.	Dec. 31, 1960	Retirement	Apr. 29, 1942	Forfeit oll pay and ollowonces due or to become due.	3 years [2]	do	Disbonorable discharge.	$66,220	$192	385	X
13	do	Staff sergeant	20	3	Cbarged with larceny (8 counts) in violation of article of war 94.	June 1, 1950, to Mar. 31, 1951.	Aug. 31, 1959	do	June 28, 1951	do	2 yeors [3]	(3)	Reduction in rank; disbonorable discbarge.	$47,997	$121	2,175	X
14	Army	Privata (E-2)	20	6	In violotion of art. 121 of the Uniform Code of Military Justice, stole $505 in militory police custody, property of post central fund, 1st Cavalry Divislon.	1958	July 31, 1961	do	1960	$360	9 months	None	Reduction in rank.	$22,032	$54	None	X
15	do	Master sergeant (E-7).	24	3	Convicted under 94th article of war for larceny of Government property in amount of $55.	Aug. 19, 1941	do	do	1941	None	2½ years	do	do	$70,560	$210	None	X
16	do	Coptain	21	0	In violation of the Uniform Code of Military Justice, art. 133, ceused false invoices to be included in records of officers' clubb and in violation of art. 107 for false certification of official documents.	1959	do	do	1954	$900	None	do	None	$108,900	$275	None	X
17	do	Lieutenant colonel.	22	1	Submitted false and fraudulent claim for increased quarters allowance based on presence of individual claimed to be his wife who was uot in fact his lawfully wedded wife.	Jan. 17, 1956	Apr. 30, 1956	do	Prior to 1057	$0,213	do	3 years	do	$148,335	$426	20, 022	X
18	do	do	25	1	Violations of the Uniform Code of Militory Justice, arts. 121 and 134 by borrowing money from enlisted men and failing to pay the debt, utilizing the services of enlisted men for his own personal benefit, converted to his own use certain Government property, and did wrongfully appropriate Government equlpment for his own personal use.	Apr. 13, 1950	July 31, 1950	do	do	$2,400	do	None	do	$139,501	$484	3, 872	X
19	do	do	20	1	Was indicted under secs. 202 and 371 of title 18, United States Code, on 6 counts relating to accepting bribes and conspiracy.	1953	Nov. 30, 1953	do	1955	$2,500	4 years	do	do	$124,740	$315	14, 175	X
20	do	Major	23	11	Violated article 121 of the Uniform Code of Military Justice in that he stole money of a total value of $234. Further, in violation of art. 123 of the Uniform Code of Military Justice, on 3 occasions, with intent to defraud, falsely made the signatures of 3 individuals to a certain military payroll money list, which signatures would, if genuine, apparently operate to the legal prejudice of others.	Sept. 30, 1955	Dec. 31, 1956	do	Prior to 1956	$2,000	None	do	do	$140,616	$378	14, 742	X
21	do	Captain	26	3	On 6 separate occasions, in violation of art. 132 of the Uniform Code of Military Justice, did present a voucher making a claim against the United States for travel of dependents which claims were false and froudulent in their amounts and the travel by the dependents was not performed and was thon known by the individual concerned to be false and fraudulent.	July 10, 1952	Dec. 31, 1960	do	Prior to 1954	$1,500	do	do	do	$118,755	$341	1, 023	X
22	do	Master sergeant (E-8).	21	0	Did, during period December 1952 to February 1953, steal approximately 250 pounds of coffee with a value of about $166, property of the U.S. Government.	1952-53	July 1, 1960	do	Prior to 1955	$1,500	do	do	do	$71,820	$200	1,600	X
23	do	Sergeant, 1st class (E-7).	15	11	Did steal lawful currency of the United States and did wrougfully appropriate an automobile, the property of a golf club on an installation.	Oct. 15, 1958	Jan. 21, 1961	Disability retirement.	Prior to 1959	Forfeiture of all pay and allowances.	1 year	do	Reduction in rank.	$60,264	$185	247	X
24	do	Staff sergeant (E-6).	20	10	Willfully, feloniously, and unlawfully knowingly converted to his own use, without autbority, $667.70 in U.S. currency, said moneys being the property of the U.S. Government.	Aug. 23, 1958	Sept. 13, 1960	do	1958	$3,195	None	2 years	None	$78,300	$218	1, 199	X
25	do	Sergeant (E-5)	21	0	Did steal clothing of a total value of about $526, and did sign an official record which was wholly false and known then to b: false.	Apr. 5, 1954	Sept. 16, 1960	do	Nov. 29, 1954	Forfeiture of all pay and allowances.	do	None	Reduction in rank. [4]	$39,312	$126	567	X
26	do	do	28	8	Did wrongfully dispose of, by pledging to a loan company, 1 pair of binoculars of a value of about $129, property of the U.S. Government, and did wrongfully appropriate approximately $857, property of the United States.	Apr. 28, 1051	July 31, 1957	Retirement	Prior to 1953	$534	6 months	do	Reduction in rank.	$39,672	$174	[5] 2, 262	X
27	do	Specialist 5 (E-5).	16	0	Did feloniously steal 5 pistols and wrongfully dispose of sams by pawning them, each bad a value of about $38, a total of about $190, property of the United States furnished and intended for the military service thereof.	Aug. 20, 1949	Nov. 21, 1960	Disability retirement.	Prior to 1950	Forfeiture of all pay and allowances (3 years).	3 years	do	do. [6]	$66,960	$180	599	X
28	do	do	17	5	Claimed travel allowances for travel alleged to bava been performed by his wife, which claim was false and fraudulent in entire amount and that the alleged travel was not performed.	Apr. 22, 1958	Dec. 15, 1960	do	Prior to 1959	$300	None	do	None	$60,480	$144	360	X
29	do	do	22	4	This individual did, between June 1, and Nov. 1, 1953, steal $2,421, property of tha United States; further, in 1953, with intent to defraud, did falsely alter reports of deposits.	June 1, 1953	June 1, 1959	Retirement	Prior to 1954	Forfeiture of all pay and allowances.	1 year	do	Reduction in rank.	$49,104	$132	2,640	X
30	do	Private 1st class (E-3).	7	5	In violation of art. 121 of the Uniform Code of Military Justice, did while stationed in Germany in October 1955, steal approximately $700, the property of another soldiar.	Oct. 27, 1956	Nov. 22, 1960	Disability retirement.	Prior to 1957	do	2 years	do	do. [7]	$58,374	$106	352	X
31	do	do	11	3	Did, during the period of Aug. 31, 1956, to about Apr. 1, 1957, steal moneys of value of about $500, tha property of the U.S. Government.	Apr. 1, 1957	Feb. 9, 1060	do	Prior to 1059	None	8 months	do	do	$41,623	$85	1,076	X
32	do	do	21	7	In violation of art. 121 of tha Uniform Code of Military Justice, without proper authority, did wrongfully appropriate 1 truck, ¾-ton, a value of about $1,600, military property of tha United States.	July 18 1951	Sept. 30, 1960	Retirement	Prior to 1953	$216	Nona	do	do	$27,918	$78	390	X
33	do	Private (E-2)	20	4	In violation of art. 121 of the Uniform Code of Military Justice, did at an Army installation in France, in 1959, steal a sum of money of a value of $140, property of the U.S. Government.	July 1, 1959	Apr. 30, 1960	do	Prior to 1960	$288	do	do	do	$19,440	$54	540	X
34	do	do	15	2	In violation of tha Uniform Code of Military Justice, art. 121, did steal lawful currency of tha United States on several occasions of a total value of about $580. In addition, in violation of art. 123 of the Uniform Code of Military Justice, with intent to defraud, falsely made the signature of another soldier to a certain form, which signature would, if genuine, apparently operate to the legal prejudice of another.	Nov. 5, 1958	Aug. 8, 1960	Disahility retirement.	do	$516	1 year	do	do	$24,105	$65	433	X
35	do	Warrant officer (W-2).	13	6	Tried before a general court-martial for vloiation of art. 121 of the Uniform Code of Military Justice. He was convicted of larceny from U.S. Government, involving a total of $6,084.	1957	Jan. 23, 1058	do	Mar. 19, 1957	$2,975	None	do	None	$59,864	$142	5,300	X
36	do	Sergeant, 1st class (E-7).	23	11	Violation of 94th article of war. Between Apr. 10, 1942, and Feb. 2, 1943, knowingly and willfully applied to his own use property of the United States in value in excess of $50. Did, between Feb. 3, 1943, and Dec. 15, 1944, knowingly and willfully opply to his own use property of the United States of a value in excess of $50.	1942-43	May 11, 1961	do	Jan. 5, 1945	Forfeiture of all pay and allowances.	8 months	do	Reduction in rank.	$60,552	$174	None	X
37	do	do	20	1	Violated the 132d article of war in that he forged the signature of the detachment officer to military pay orders for request for partial payments, without authority.	1952	Fab. 29, 1060	Retirement	Apr. 7, 1952	None	None	do	Reduced 1 grade	$53, 940	$145	1, 740	X
38	do	Sergeant (E-5)	10	8	In violation of art. 121 of the Uniform Code of Military Justice, on or about July 21, 1951, did steal 31 poirs of trousers with a value in excess of $50, property of the U.S. Government.	July 15, 1951	May 12, 1951	Disability retirement.	Feb. 22, 1952	$150	6 months	do	Reduction in rank.	$95,040	$180	None	X
39	do	Corporal (E-4)	20	3	In violation of art. 132 of the Uniform Code of Military Justice, presented a fraudulent voucher, to the finance officer at Fort Lewis, Wash., in the amount of $16.83 for dependent travel of wife and son, which claim was false and fraudulent.	July 12, 1957	Aug. 31, 1960	Retirement	Dec. 15, 1959	$40	None	do	None	$37,620	$95	$570	X
40	do	Private 1st class (E-3).	14	8	In violation of art. 132 of the Uniform Code of Military Justice, submitted false claims in the amount of $84 for reimbursement of travel expenses for dependents; violated art. 121 of the Uniform Code of Military Justice, in that he stole currency of approximately $180; and in violation of art. 107 of the Uniform Code of Military Justice, signed an official letter that contained a false statement with intent to deceive.	1056	Nov. 25, 1957	Disability retirement.	1956	$132	do	do	Reduction in rank.	$29,440	$85	$3, 315	X
41	do	do	20	10	Convicted of a violation of the 121st Article of War in that he did steal $145, property of the U.S. Government.	1959	Apr. 30, 1951	Retirement	Sept. 1, 1959	Forfeiture of all pay and allowances.	do	do	do	$28,416	$74	None	X
42	do	do	20	9	In violation of art. 132 of the Uniform Code of Military Justice, did commit fraud against the U.S. Government hy presenting military pay vouchers for casual payment of military pny and allowances known by him to be false and fraudulent ($61.84).	1959	do	do	Oct. 27, 1959	$300	6 months	do	do	$23,976	$74	None	X
43	do	Private (E-2)	20	0	Falsely presented a voucher in the amount of $210.50 to a commissioned officer of the U.S. Army for allegad travel dono by his wife and 2 daugbters, which he knew to be false, in violation of art. 132 of the Uniform Code of Military Justice.	Jan. 22, 1957	Sept. 30, 1960	do	Nov. 13, 1959	$60	do	do	do	$15,552	$54	270	K
44	do	Recruit (E-1)	27	2	In violotion of art. 121 of the Uniform Code of Military Justice, did in September 1956 steal vorious pieces of telepbone and telegraph equlpment, total value approximately $200, oll the property of tho United States.	1956	Nov. 30, 1957	do	June 8, 1957	$264	None	do	do	$13,632	$71	2, 769	K
45	do	Sergeant (E-5)	20	1	In violation of art. 121 of the Uniform Code of Military Justice, did on or obout Nov. 14, 1956, steal military payment certificates of a value of $170, property of the United States, and did, in violation of art. 132 of the Uniform Code of Military Justice, on or about Oct. 31, 1956, present a falsa fraudulent claim against the United States in on amount of $156 for travel of dependents, while in fact dependents did not perform sucb travel.	1956	Aug. 31, 1960	do	Oct. 14, 1959	$130	do	do	None	$50,400	$120	720	K
46	Navy	Rear admiral	42		Conflict of interest. Sold soft drinks to MSTS sbips in violation of 18 U.S.C. 281.	Early 1950	Jan. 1, 1954	Stntutory age 62 (retired).	Dec. 2, 1959 (U.S. district court).	None	do	Indefinite.	do	Retired pay restored.[8]	$855.74	None	No
47	do	Chief warrant officer (W-3).	25	3	Wrongful appropriation ond preparing false pay receipt in violation of arts. 121 and 132 of the Uniform Code of Military Justice.	Early 1957 tbrough May 1958.	March 1962	Disahility retirement.	October 1959	do	do	None	Reprimand	Retired pay not yet determined.	Not yet determined.	None	X
48	do	Radioman, 1st class.	7		Mail theft	Eorly 1959	May 1, 1957	do	June 12, 1959	do	90 days	do	None	$40,435	$70.20	3,229	X
49	do	Chief personnel man, acting appointment.	23	4	Embezzlemant of public money from ship's store	do	July 11, 1955	do	March 1959	do	5 years	do	do	$74,850	$194.92	1,390	X
50	do	Chief boilerman	22	2	Conspiracy to commit hribery in vloiation of 18 U.S.C. 371.	Early 1956	Feb. 17, 1958	Discharge	May 12, 1957	do	do	5 years	do	$47,652	$175.89	6,420	X
51	do	Commissaryman seaman apprentice.	19	6	Conspiracy to commit larceny of groceries, $70, in violation of art. 81 of tbe Uniform Code of Military Justice. Acceptance of 2 cartons of cigarettes and $5 in bribes for giving other enlisted men preferred duty in violation of art. 134 of the Uniform Code of Military Justice.	August 1954 Early 1960	June 5, 1961	Transfer to Fleet Reserve.	Feb. 16, 1955 May 6, 1960	Total forfaitures $70 per month for 4 months.	1 year	None	Reduction in rank. do	$30,456	$70.50	None	X

[1] Sentence also included bad conduct discharge. Execution of this portion of the sentence was suspended until Apr. 1, 1955, at which time, unless the suspension was sooner vacated, tba bad conduct discharge was remitted without furtber action.

[2] Convening authority reduced confinement to 1 year and suspended the dishonorable discharge until release from confinement. In September 1942, wbile serving tbe sentence following his conviction of the offenses described previously, he was convicted of accepting money under false pretenses. He was sentenced to confinement at hard labor for 6 months, in addition to his earlier seatence. In April 1943, tbe unexecuted portion of his sentence was remitted and be was restored to duty on Apr. 15, 1943.

[3] Sentence also included (1) a reduction from the grade of master sergeant and (2) dishonorable discharge which was suspended. The unexecuted portion of the sentence to be confined at hard labor and to forfeit all pay and allowances to become due after the dnte of the order directing execution of the sentence (Feb. 29, 1952) was remitted. Execution of that portion of the sentence pertaining to dishonorable discharge was further suspended until Feb. 3, 1953, at which time, unless the suspension was sooner vacated, the unexecuted portion of the sentence was remitted without further action.

[4] Restored to duty, July 31, 1959.

[5] Restored to duty, Apr. 30, 1955.

[6] Retired pay stopped January 1960.

[7] Restored to duty, Jan. 30, 1952.

[8] Restored to duty, Dec. 27, 1957.

[9] U.S. circuit court of appeals reversal of conviction for error.

Calendar No. 844

87TH CONGRESS
1ST SESSION

H. R. 6141

[Report No. 862]

IN THE SENATE OF THE UNITED STATES

JULY 14, 1961
Read twice and referred to the Committee on Post Office and Civil Service

SEPTEMBER 1, 1961
Reported by Mr. CLARK, without amendment

AN ACT

To amend the Act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes", approved September 1, 1954, as amended (68 Stat. 1142, 70 Stat. 761; 5 U.S.C. 2281–2288), is amended to read as follows:

"That (a) there shall not be paid to any person con-

victed, prior to, on or after September 1, 1954, under any article or provision of law specified or described in this subsection, of any offense within the purview of such article or provision to the extent provided in this subsection, or to any survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or subsequent to September 1, 1954, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay—

"(1) any offense within the purview of—

"(A) section 792 (harboring or concealing persons), 793 (gathering, transmitting, or losing defense information), 794 (gathering or delivering defense information to aid foreign government), or 798 (disclosure of classified information), of chapter 37 (relating to espionage and censorship) of title 18 of the United States Code,

"(B) chapter 105 (relating to sabotage) of title 18 of the United States Code,

"(C) section 2381 (treason), 2382 (misprison of treason), 2383 (rebellion or insurrection), 2384 (seditious conspiracy), 2385 (advocating

overthrow of government), 2387 (activities affecting armed forces generally), 2388 (activities affecting armed forces during war), 2389 (recruiting for service against United States), or 2390 (enlistment to serve against United States), of chapter 115 (relating to treason, sedition, and subversive activities) of title 18 of the United States Code,

"(D) section 10(b)(2), 10(b)(3), or 10(b)(4) of the Atomic Energy Act of 1946 (60 Stat. 766, 767; 42 U.S.C., 1952 edition, sec. 1810 (b)(2), (3) and (4), as in effect prior to the enactment of the Atomic Energy Act of 1954 by the Act of August 30, 1954 (68 Stat. 919; Public Law 703, Eighty-third Congress; 42 U.S.C. 2011-2281),

"(E) section 16(a) or 16(b) of the Atomic Energy Act of 1946 (60 Stat. 773; 42 U.S.C., 1952 edition, sec. 1816 (a) and (b)) as in effect prior to the enactment of the Atomic Energy Act of 1954 by the Act of August 30, 1954, insofar as such offense under such section 16(a) or 16(b) is committed with intent to injure the United States or with intent to secure an advantage to any foreign nation, or

"(F) any prior provision of law on which any provision of law specified in subparagraph (A), (B), or (C) of this paragraph is based;

"(2) any offense within the purview of—

"(A) article 104 (aiding the enemy) or article 106 (spies) of the Uniform Code of Military Justice (chapter 47 of title 10 of the United States Code) or any prior article on which such article 104 or article 106, as the case may be, is based, or

"(B) any current article of the Uniform Code of Military Justice (or any prior article on which such current article is based) not specified or described in subparagraph (A) of this paragraph on the basis of charges and specifications describing a violation of any provision of law specified or described in paragraph (1), (3), or (4) of this subsection if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defendant dies before execution of such sentence as finally approved;

"(3) perjury committed under the laws of the United States or of the District of Columbia—

"(A) in falsely denying the commission of an act which constitutes any of the offenses—

"(i) within the purview of any provision

of law specified or described in paragraph (1) of this subsection, or

"(ii) within the purview of any article or provision of law specified or described in paragraph (2) of this subsection insofar as such offense is within the purview of any article or provision of law specified or described in paragraph (1) or paragraph (2) (A) of this subsection,

"(B) in falsely testifying before any Federal grand jury, court of the United States, or court-martial with respect to his service as an officer or employee of the Government in connection with any matter involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States, or

"(C) in falsely testifying before any congressional committee in connection with any matter under inquiry before such congressional committee involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States; and

"(4) subornation of perjury committed in connection with the false denial or false testimony of another person as specified in paragraph (3) of this subsection.

"(b) There shall not be paid to any person convicted, prior to, on, or after the date of enactment of this amendment, under any article or provision of law specified or described in this subsection, of any offense within the purview of such article or provision to the extent provided in this subsection, or to any survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or subsequent to the date of enactment of this amendment, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay—

"(1) any offense within the purview of—

"(A) section 222 (violation of specific sections) or section 223 (violation of sections generally of the Atomic Energy Act of 1954 (68 Stat. 958; 42 U.S.C. 2272 and 2273) insofar as such offense under such section 222 or 223 is committed with intent to injure the United States or with intent to secure an advantage to any foreign nation,

"(B) section 224 (communication of restricted

data), section 225 (receipt of restricted data), or section 226 (tampering with restricted data) of the Atomic Energy Act of 1954 (68 Stat. 958 and 959; 42 U.S.C. 2274, 2275, and 2276), or

"(C) section 4 (conspiracy and communication or receipt of classified information), section 112 (conspiracy or evasion of apprehension during internal security emergency), or section 113 (aiding evasion of apprehension during internal security emergency) of the Internal Security Act of 1950 (64 Stat. 991, 1029, and 1030; 50 U.S.C. 783, 822, and 823);

"(2) any offense within the purview of any current article of the Uniform Code of Military Justice (chapter 47 of title 10 of the United States Code), or any prior article on which such current article is based, on the basis of charges and specifications describing a violation of any provision of law specified or described in paragraph (1), (3), or (4) of this subsection, if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defendant dies before execution of such sentence as finally approved;

"(3) perjury committed under the laws of the United States or the District of Columbia in falsely

denying the commission of an act which constitutes any of the offenses within the purview of any provision of law specified or described in paragraph (1) of this subsection; and

"(4) subornation of perjury committed in connection with the false denial of another person as specified in paragraph (3) of this subsection.

"SEC. 2. (a) There shall not be paid to any person who, prior to, on, or after September 1, 1954, has refused or refuses, or knowingly and willfully has failed or fails, to appear, testify, or produce any book, paper, record, or other document, relating to his service as an officer or employee of the Government, before a Federal grand jury, court of the United States, court-martial, or congressional committee, in any proceeding with respect to—

"(1) any relationship which he has had or has with a foreign government, or

"(2) any matter involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States, or to the survivor or beneficiary of such person, for any period subsequent to September 1, 1954, or subsequent to the date of such failure or refusal of such person, whichever

date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

"(b) There shall not be paid to any person who, prior to, on, or after September 1, 1954, knowingly and willfully, has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, knowingly and willfully, has concealed or conceals any material fact, with respect to his—

"(1) past or present membership in, affiliation or association with, or support of the Communist Party, or any chapter, branch, or subdivision thereof, in or outside the United States, or any other organization, party, or group advocating (A) the overthrow, by force, violence, or other unconstitutional means, of the Government of the United States, (B) the establishment, by force, violence, or other unconstitutional means, of a Communist totalitarian dictatorship in the United States, or (C) the right to strike against the Government of the United States,

"(2) conviction, under any article or provision of law specified or described in subsection (a) of the first

section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or

"(3) failure or refusal to appear, and testify, or produce any book, paper, record, or other document, as specified in subsection (a) of this section,

for any period subsequent to September 1, 1954, or subsequent to the date on which any such statement, representation, or concealment of fact is made or occurs, whichever date is later, in any document executed by such person in connection with his employment in, or application for, a civilian or military office or position in or under the legislative, executive, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

"(c) There shall not be paid to any person who, prior to, on, or after the date of enactment of this amendment, knowingly and willfully, has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, knowingly and willfully, has concealed or conceals any material fact, with respect to his

conviction, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, for any period subsequent to the date of enactment of this amendment or subsequent to the date on which any such statement, representation, or concealment of fact is made or occurs, whichever date is later, in any document executed by such person in connection with his employment in, or application for, a civilian or military office or position in or under the legislative, executive, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

"SEC. 3. There shall not be paid to any person—

"(1) who (A) after July 31, 1956, is under indictment, or has outstanding against him charges preferred under the Uniform Code of Military Justice, for any offense within the purview of subsection (a) of the first section of this Act, or (B) after the date of enactment of this amendment, is under indictment, or has outstanding against him charges preferred under the Uniform

Code of Military Justice, for any offense within the purview of subsection (b) of such first section, and

"(2) who willfully remains outside the United States, its Territories and possessions, and the Commonwealth of Puerto Rico for a period in excess of one year with knowledge of such indictment or charges, as the case may be,

for any period subsequent to the end of such one-year period, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay, unless and until—

"(i) a nolle prosequi to the entire indictment is entered upon the record, or such charges have been dismissed by competent authority, as the case may be,

"(ii) such person returns and thereafter the indictment, or charges, is or are dismissed, or

"(iii) after trial by court or court-martial, as applicable, the accused is found not guilty of the offense or offenses referred to in paragraph (1) of this section.

"SEC. 4. (a) In the case of—

"(1) the conviction of any person, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within

the purview of such subsection (a) to the extent provided in such subsection, or the commission by any person of any violation of subsection (a) or (b) of section 2 of this Act, or

"(2) the conviction of any person, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by any person of any violation of subsection (c) of section 2 of this Act,

any amounts (not including employment taxes) contributed by such person toward an annuity the benefits of which are denied under this Act (less any amounts previously refunded or previously paid as annuity benefits) shall be refunded, upon appropriate application therefor—

"(A) to such person,

"(B) if such person is deceased, to such other person or persons as may be designated to receive refunds by or under the law, regulation, or agreement under which the annuity (the benefits of which are denied under this Act) would have been payable, or

"(C) if there is no such designation, in the order of precedence prescribed in section 11(c) of the Civil

Service Retirement Act (70 Stat. 755; 5 U.S.C. 2261(c)) or section 2771 of title 10 of the United States Code, as applicable.

"(b) Each refund under subsection (a) of this section shall be made with interest at such rates and for such periods as may be provided under the law, regulation, or agreement under which the annuity would have been payable. Such interest shall not be computed—

"(1) if paragraph (1) of subsection (a) of this section is applicable, for any period after the date of conviction or commission of violation, as the case may be, or after September 1, 1954, whichever date is later, or

"(2) if paragraph (2) of subsection (a) of this section is applicable, for any period after the date of conviction or commission of violation, as the case may be, or after the date of enactment of this amendment, whichever date is later.

"(c) No person whose annuity is denied under this Act shall be required to repay that part of any annuity otherwise properly paid to such person which is in excess of the aggregate amount of his own contributions toward such annuity, with applicable interest.

"(d) No survivor or beneficiary of any such person shall be required to repay that part of any annuity otherwise

properly paid to such person or to such survivor or beneficiary on the basis of the service of such person which is in excess of the aggregate amount of the contributions of such person toward annuity, with applicable interest.

"SEC. 5. (a) No person (including an eligible beneficiary under chapter 73 of title 10 of the United States Code or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374)) to whom payment of retired pay is denied under this Act shall be required to refund to the United States any retired pay otherwise properly paid to such person or beneficiary which is paid in violation of this Act.

"(b) In the case of the conviction of, or the commission of any violation by, any person to the extent provided in paragraph (1) or paragraph (2), as the case may be, of section 4(a) of this Act, any deposits made under section 1438 of chapter 73 of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374), to provide the eligible beneficiary with annuity for any period (less amounts previously paid as retired pay benefits) shall be refunded, upon appropriate application therefor, in accordance with such section 4(a), with interest as provided in section 4(b) of this Act.

"SEC. 6. (a) The right to receive an annuity or retired pay shall be deemed restored to any person convicted, prior to, on, or after September 1, 1954, of an offense which is within the purview of the first section of this Act or which constitutes a violation of section 2 of this Act, for which he is denied under this Act an annuity or retired pay, to whom a pardon of such offense is granted by the President of the United States, prior to, on, or after September 1, 1954, and to the survivor or beneficiary of such person. Such restoration of the right to receive an annuity or retired pay shall be effective as of the date on which such pardon is granted. Any amounts refunded to such person under section 4 or section 5 (b) of this Act shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made, by virtue of such pardon, for any period prior to the date on which such pardon is granted.

"(b) The President is authorized to restore, effective as of such date as he may prescribe, the right to receive an annuity or retired pay to any person who is denied, prior to, on, or after September 1, 1954, an annuity or retired pay under section 2 of this Act, and to the survivor or beneficiary of such person. Any amounts refunded to such person under section 4 or section 5 (b) of this Act shall be redeposited before credit is allowed for the period or periods

of service covered by the refund. No payment of annuity or retired pay shall be made, by virtue of such restoration of annuity or retired pay by the President under this subsection, for any period prior to the effective date of such restoration of annuity or retired pay.

"(c) The right to receive an annuity or retired pay shall not be denied because of any conviction of an offense which is within the purview of the first section of this Act or which constitutes a violation of section 2 of this Act, in any case in which it is established by satisfactory evidence that such conviction or violation resulted from proper compliance with orders issued, in a confidential relationship, by a department, agency, establishment, or other authority of any branch of the Government of the United States or of the government of the District of Columbia.

"SEC. 7. No accountable officer or employee of the Government shall be held responsible for any payment made in violation of any provision of this Act if such payment is made in due course and without fraud, collusion, or gross negligence.

"SEC. 8. (a) The President may—

"(1) drop from the rolls any member of the armed forces, and any member of the Coast and Geodetic Survey or of the Public Health Service, who is deprived of retired pay under the provisions of this Act, and

"(2) (A) restore to any person so dropped from the rolls to whom retired pay is restored by reason of any provision of or change in this Act (including the provisions of section 2 of the Act which enacts this clause), his military status, and (B) restore to him and his beneficiaries all rights and privileges of which he or they were deprived by reason of his name having been dropped from the rolls.

"(b) If the person restored was a commissioned officer he may be reappointed by the President alone to the grade and position on the retired list which he held at the time his name was dropped from the rolls.

"SEC. 9. This Act shall not be construed to restrict any authority under any other provision of law to deny or withhold benefits authorized by law.

"SEC. 10. As used in this Act—

"(1) the term 'officer or employee of the Government' includes—

"(A) an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States;

"(B) a Member of, Delegate to, or Resident Commissioner in, the Congress of the United States;

"(C) an officer or employee of the government of the District of Columbia; and

"(D) a member or former member of the armed forces, the Coast and Geodetic Survey, or the Public Health Service.

"(2) the term 'annuity' means any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act and any monthly annuity under section 2 or section 5 of the Railroad Retirement Act of 1937) payable by any department or agency of the Government of the United States or the government of the District of Columbia upon the basis of service as a civilian officer or employee of the Government and any other service which is creditable to an officer or employee of the Government toward such benefit under the law, regulation, or agreement providing such benefit, except that—

"(A) the term 'annuity' does not include any benefit provided under laws administered by the Veterans' Administration;

"(B) the term 'annuity' does not include salary or compensation which may not be diminished under section 1 of Article III of the Constitution of the United States;

"(C) the term 'annuity' does not include, in the case of a benefit payable under title II of the

Social Security Act, so much of such benefit as would be payable without taking into account (for any of the purposes of such title II, including determinations of periods of disability under section 216 (i)) any remuneration for service as an officer or employee of the Government;

"(D) the term 'annuity' does not include any monthly annuity awarded under section 2 or section 5 of the Railroad Retirement Act of 1937 prior to the date of enactment of this amendment (whether or not computed under section 3(e) of such Act) and, in the case of any annuity awarded under such section 2 or 5 on or subsequent to the date of enactment of this amendment, does not include so much of such annuity as would be payable without taking into account any military service creditable under section 4 of such Act;

"(E) the term 'annuity' does not include any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act) of any person to whom such benefit has been awarded or granted prior to September 1, 1954, or of the survivor or beneficiary of such person, insofar as concerns the conviction of such person, prior to such

date, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (a) or (b) of section 2 of this Act; and

"(F) the term 'annuity' does not include any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act) of any person to whom such benefit has been awarded or granted prior to the date of enactment of this amendment, or of the survivor or beneficiary of such person, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (c) of section 2 of this Act.

"(3) the term 'retired pay' means retired pay, retirement pay, retainer pay, or equivalent pay, payable

under any law of the United States to members or former members of the armed forces, the Coast and Geodetic Survey, and the Public Health Service, and any annuity payable to an eligible beneficiary of any such member or former member under chapter 73 (annuities based on retired or retainer pay) of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374), except that—

"(A) the term 'retired pay' does not include any benefit provided under laws administered by the Veterans' Administration;

"(B) the term 'retired pay', as applicable to retired pay, retirement pay, retainer pay, and equivalent pay, does not include any such pay of any person to whom such pay has been awarded or granted prior to September 1, 1954, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by such person, prior

to such date, of any violation of subsection (a) or (b) of section 2 of this Act;

"(C) the term 'retired pay', as applicable to retired pay, retirement pay, retainer pay, or equivalent pay, does not include any such pay of any person to whom such pay has been awarded or granted prior to the date of enactment of this amendment insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (c) of section 2 of this Act; and

"(D) the term 'retired pay', as applicable to an annuity payable to the eligible beneficiary of any person under chapter 73 of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C. 1952 edition, Supp. III, sec. 374), does not include any such annuity of any such beneficiary if such annuity has been awarded or granted to such beneficiary, or if retired pay has been

awarded or granted to such person, prior to the date of enactment of this amendment insofar as concerns—

"(i) the conviction, prior to such date, of the person on the basis of whose service such annuity is awarded or granted, under any article or provision of law specified or described in the first section of this Act, of any offense within the purview of such first section to the extent specified in such section, or

"(ii) the commission by such person, prior to such date, of any violation of section 2 of this Act.

"(4) the term 'armed forces' shall have the meaning provided for such term by title 10 of the United States Code.

"SEC. 11. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

"SEC. 12. (a) Section 3282 of title 18 of the United States Code is amended by striking out 'three' and inserting in lieu thereof 'five'.

"(b) The amendment made by subsection (a) shall be effective with respect to offenses (1) committed on or after September 1, 1954, or (2) committed prior to such date, if on such date prosecution therefor is not barred by provisions of law in effect prior to such date."

SEC. 2. (a) Subject to subsection (b) of this section, any person, including his survivor or beneficiary, to whom annuity or retired pay is not payable under the Act of September 1, 1954, as in effect at any time prior to the date of enactment of this Act, by reason of any conviction of an offense, any commission of a violation, any refusal to answer, or any absence under indictment, or under charges, for any offense, shall be restored the right to receive such annuity or retired pay for any and all periods for which he would have had the right to receive such annuity or retired pay if the Act of September 1, 1954, had not been enacted, unless, under the amendment made by the first section of this Act, such annuity or retired pay remains nonpayable to such person, including his survivor or beneficiary.

(b) No annuity accrued or accruing, prior to, on, or after the date of enactment of this Act, on account of the restoration, by reason of the amendment made by the first section of this Act and by reason of subsection (a) of this section, of the right to receive such annuity, shall be paid

until any sum refunded under section 3 of the Act of September 1, 1954, as in effect prior to the date of enactment of such amendment, is deposited or is collected by offset against the annuity.

Passed the House of Representatives July 12, 1961.

Attest: RALPH R. ROBERTS,

Clerk.

Calendar No. 844

87TH CONGRESS
1ST SESSION

H. R. 6141

[Report No. 862]

AN ACT

To amend the Act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such Act, and for other purposes.

JULY 14, 1961

Read twice and referred to the Committee on Post Office and Civil Service

SEPTEMBER 1, 1961

Reported without amendment

11. PASSED OVER the following bills:
H. R. 6775, to provide for the operation of steamship conferences. p. 17305
H. R. 6141, to limit to cases involving the national security the prohibition on payment of retirement annuities to retired Federal employees. p. 17305
S. 1633, to provide for the establishment of a Department of Urban Affairs and Housing. p. 17309

12. LEGISLATIVE PROGRAM. Sen. Mansfield stated that S. 2180, to establish a U. S. Disarmament Agency for World Peace and Security, will be considered next, followed by consideration of the Mexican farm labor bill. p. 17414

HOUSE

13. APPROPRIATIONS. Received the conference report on H. R. 7035, the Labor-HEW appropriation bill (H. Rept. 1154) (pp. 17429-31). The bill includes $20,250,000 for the Office of Vocational Rehabilitation.
Conferees were granted until midnight Fri., Sept. 8, to file a conference report on H. R. 8302, the military construction appropriation bill. p. 17493

14. RICE. The Agriculture Committee reported without amendment H. R. 9013, to provide for the transfer of rice acreage history where a producer withdraws from the production of rice (H. Rept. 1150). p. 17495

15. CONSERVATION. The Agriculture Committee reported with amendments H. R. 8914, to permit producers on farms on which summer fallow is a normal practice to plant barley on land devoted to summer fallow during 1961 which is diverted from wheat under the 1962 Wheat Stabilization Program provided an overall reduction of 20% is made in corn, grain sorghums, and barley (H. Rept. 1149). p. 17495

16. WHEAT. The Agriculture Committee reported with amendments H. R. 8842, to permit a wheat producer to withdraw from his stored excess the amount of wheat by which he fails to make his normal production on the reduced acreage allotment, less the acres voluntarily retired below the allotment (H. Rept. 1148). p. 17495

17. SUPERGRADES. The Post Office and Civil Service Committee voted to report (but did not actually report) with amendments H. R. 7377, to increase the limitation on the number of supergrades, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized (p. D825). The committee was granted until midnight Thurs., Sept. 7, to file a report on this bill (p. 17423).

18. WATERFOWL. Disagreed to the Senate amendments and conferees were appointed on H. R. 7391, to promote the conservation of migratory waterfowl by the acquisition of wetlands and other essential waterfowl habitat. p. 17426

19. POSTAL RATES. The Post Office and Civil Service Committee reported with amendment H. R. 7927, to adjust postal rates (H. Rept. 1155). p. 17495

20. PERSONNEL. The Post Office and Civil Service Committee ordered favorably reported H. R. 8565, to permit certain Government employees to elect to receive compensation in accordance with section 401 of the Federal Employees Pay Act of 1945, in lieu of certain compensation at a saved rate. pp. D824-5

21. FOREIGN TRADE. The Post Office and Civil Service Committee ordered favorably reported H. R. 7791, to provide for the collection and publication of foreign commerce and trade statistics. p. D825

Passed as reported H. R. 7692, to amend section 304 of the Tariff Act to provide that when articles, which are imported in containers that are now required to be marked to show in English the name of the country of origin of such articles, are repackaged in the U. S. and offered for sale, the new packages shall be marked to show the country from which the materials originally came. pp. 17427-9

Agreed to without amendment H. Res. 403, to create a select committee to conduct an investigation and study of the administration, operation, and enforcement of the Export Control Act of 1949. pp. 17433-45

22. TRANSPORTATION. Agreed to the Senate amendment to H. R. 6732, to amend the Merchant Marine Act, 1936, as amended, to encourage the construction and maintenance of American-flag vessels built in American shipyards. This bill will now be sent to the President. p. 17446

23. PEACE CORPS. Rep. Dorn stated that the proposal to establish a Peace Corps is wrought with potential danger to U. S. prestige by sending inadequately trained and indoctrinated personnel into foreign countries. pp. 17446-7

The Rules Committee reported a resolution for consideration of H. R. 7500, to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower. p. 17495

24. ELECTRIFICATION. Rep. Saylor criticized what he termed "an unholy alliance between the fanatical public power zealots and the Bureau of Reclamation who are using the reclamation program for the promotion of subsidized Government power." pp. 17450-7

Rep. Ashbrook said the Government's "getting deeper" into the electric power business is a "serious and dangerous trend which can and must be reversed." pp. 17461-3

25. LEGISLATIVE PROGRAM. Rep. Albert announced that the Labor-HEW and the military construction appropriations conference reports will be considered on Monday; the public works appropriation bill on Tuesday; the conference report on Atomic Energy Commission appropriations authorization, the Peace Corps bill, H. R. 6360, relating to an additional Assistant Secretary of Commerce, and the supplemental appropriation bill for 1962, on Wednesday and the balance of the week. pp. 17481-2

26. ADJOURNED until noon Monday, September 11.

ITEMS IN APPENDIX

27. FARM PROGRAM. Extension of remarks of Sen. Wiley inserting an article in which a Wisc. dairyman reports on a tour of farm areas in Soviet countries. pp. A7035-6

Extension of remarks of Rep. Alexander inserting Under Secretary Murphy's address before the annual meeting of the North Carolina Feeder Manufacturers Association, Virginia Beach, Va. pp. A7061-3

The Post Office and Civil Service Committee reported without amendment H. R. 8565, to permit certain Government employees to elect to receive compensation in accordance with section 401 of the Federal Employees Pay Act of 1945, in lieu of certain compensation at a saved rate (H. Rept. 1168). p. 18028

The Subcommittee on Executive and Legislative Reorganization of the Government Operations Committee voted to report to the full committee H. R. 8798, relating to travel expenses of certain civilian officers and employees. p. D840

6. FARM LABOR. Rep. Coad objected to sending H. R. 2010, to extend and amend the Mexican farm labor program, to conference. p. 17950

7. FOREIGN AFFAIRS. Conferees were appointed on H. R. 8666, to provide for the improvement and strengthening of theinternational relations of the U. S. by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges. p. 17950

The Foreign Affairs Committee reported without amendment H. R. 9118, to establish a U. S. Arms Control Agency (H. Rept. 1165). p. 18028

8. FEED GRAINS. Rep. Fountain discussed the feed grains program, and said, "I am glad that I supported the feed grain program." pp. 18024-5

Rep. Smith, Iowa, discussed the feed grains program, saying, "When the administration early this year proposed the 1961 emergency feed grain program, its objective was to first improve farm income and second, to reduce Government costs. The September crop report clearly indicates that these two objectives have been fully achieved." pp. 18025-6

SENATE

9. PERSONNEL. ~~The Post Office and Civil Service Committee reported with amendments S. 1732, to increase the limitation on the number of supergrade and high-level scientific positions (S. Rept. 977). p. 17820~~

Passed without amendment H. R. 6141, to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the Federal Government. This bill will now be sent to the President. pp. 17935-46

10. YOUTH CONSERVATION CORPS. The Labor and Public Welfare Committee reported with amendments S. 404, to authorize the establishment of a Youth Conservation Corps of young men to assist in the conservation of natural resources (S. Rept. 976). pp. 17819-20

11. WATER COMPACTS. The Public Works Committee reported with amendment S. 856, to grant the consent of Congress to the Delaware River Basin Compact (S. Rept. 985). p. 17819

12. TRANSPORTATION. The Commerce Committee reported without amendment S. 2524, to extend until March 31, 1962, the authority for dual-rate contract agreements by steamship conferences (S. Rept. 979). p. 17819

Began debate on H. R. 6775, to extend indefinitely the authority for dual-rate contract agreements by steamship conferences. pp. 17946-8

13. RECLAMATION. The Interior and Insular Affairs Committee reported with amendments S. 1060, to authorize construction of the Oroville-Tonasket unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Wash. (S. Rept. 973). p. 17819

The Irrigation and Reclamation Subcommittee of the Interior and Insular Affairs Committee approved for full committee consideration S. 2008, relating to the construction and operation of the Spokane Valley project. p. D839

14. MINERALS. The Interior and Insular Affairs Committee reported without amendment H. R. 2924, to repeal an act extending the time in which to file adverse claims and institute adverse suits against mineral entries in Alaska (S. Rept. 982). p. 17819

15. FORESTRY. The Interior and Insular Affairs Committee reported with amendments S. 1760, to provide for the establishment of the Great Basin National Park, Nev. (the bill as introduced provided for the transfer of national forest lands to the proposed park)(S. Rept. 983). p. 17819

16. EDUCATION. Passed with amendments S. 2393, to extend for 2 years the authority for Federal assistance for the construction and operation of schools in federally impacted areas and the National Defense Education Act (pp. 17827-32, 17834-5, 17837, 17844-910). By a vote of 80 to 7, agreed to an amendment by Sen. Monroney to extend the programs for a 2-year period (pp. 17879-910). By a vote of 40 to 45, rejected an amendment by Sen. Morse (for himself and Sen. Javits) to limit to a 1-year period assistance to schools in federally impacted areas (pp. 17900-01).

17. LABOR-HEW APPROPRIATION BILL FOR 1962. Agreed to the conference report and acted on amendments in disagreement on this bill, H. R. 7035. The bill will now be sent to the President. pp. 17910-6

18. FEED GRAINS. Sen. Keating referred to the latest report on probable feed grain production and contended that the feed grain program has "failed" since "Production has not been materially cut." p. 17825

Sen. Proxmire defended the feed grain program and stated that "the value to feed grain producers and the U. S. taxpayer of the 1961 feed grain program, in contrast to the program which it replaced, was again demonstrated by the September crop report issued yesterday by the U. S. Department of Agriculture." pp. 17918-9

Sen. Humphrey defended the program as having "saved the Government of the United States millions of dollars" and stated that "Had there been no 1961 feed grain program, corn would be about ready to harvest from 71.5 million acres - as in 1960 - and grain sorghum would have been approximately 15.5 million." p. 17934

19. ELECTRIFICATION. Sen. Moss inserted an article on the controversy of public vs private construction of transmission lines between the dams of the Colorado River storage project, "Private Firms Score Big Point in Power Transmission Battle." pp. 17833-4

20. LEGISLATIVE PROGRAM. Sen. Mansfield announced that the foreign aid, public works, and supplemental appropriations bills will be considered as soon as they are reported from committee. pp. 17835-6

ITEMS IN APPENDIX

21. LIVESTOCK. Extension of remarks of Rep. Poage discussing the cattle branding, identification and inspection program in Texas. pp. A7146-7

necessity for compromise, refuses to desert basic principles. A careful student of politics who clearly enjoys his active role within it, he has been able to build a unique role for himself as a bridge between the northern and southern wings of the Democratic Party and has become a trusted aid of Speaker RAYBURN. He has dedicated his career to building that "vital area of consensus" on which rests the fate of so much legislation.

The American Political Science Association takes great pleasure in presenting this Congressional Distinguished Service Award to RICHARD BOLLING, Democrat, of Missouri—thorough technician, brilliant strategist, articulate congressional spokesman for liberal thought, and responsible custodian of power and influence.

CONGRESSMAN GERALD R. FORD, JR., REPUBLICAN, OF MICHIGAN

With the continuing growth of executive power, the always important legislative function of control over "the purse strings" has assumed an even greater role in our democratic system.

Occupying one of the most difficult, time-consuming and important positions in the House as a ranking member of the Defense Appropriations Subcommittee, GERALD FORD has, through diligent application to committee work and mastery of highly complex defense matters, indeed earned the appellation of a "Congressman's Congressman." A moderate conservative who is highly respected by his colleagues of both parties, he symbolizes the hard-working, competent legislator who eschews the more colorful, publicity seeking roles in favor of a solid record of achievement in the real work of the House: committee work. Nonpartisan where the defense posture of the country is concerned, he nonetheless occupies an important position in the national councils of his party and is a recognized leader of the Republicans in the House.

The American Political Science Association is privileged to present this Congressional Distinguished Service Award to GERALD R. FORD, JR., Republican, of Michigan—party leader, responsible critic, respected participant in debate, conscientious, dedicated, and judicious committee member.

SENATOR GEORGE D. AIKEN, REPUBLICAN, OF VERMONT

Pursuing a highly independent course, GEORGE D. AIKEN has performed his senatorial duties with a responsibility that has resisted the extremism of both the right and the left. Making full use of his New England prerogative of not speaking unless he has something to say, he specializes in stripping away partisan pretension from the vital issues before Congress, substituting the oft-maligned but ultimately indispensable notion of the public interest. Particularly in the areas of foreign policy and agriculture, his facility for searching criticism tempered by commonsense provides one of the essential ingredients in the successful functioning of a representative democracy.

The American Political Science Association takes great pleasure in presenting this Congressional Distinguished Service Award to GEORGE D. AIKEN, Republican, of Vermont—respected conciliator, effective legislator, rugged Yankee individualist, and symbol of bipartisan responsibility for this Nation's welfare.

SENATOR PAUL H. DOUGLAS, DEMOCRAT, OF ILLINOIS

Viewing his senatorial role in the progressive tradition of Norris and La Follette, Paul H. Douglas has kept on the Nation's current agenda many of those enduring problems which otherwise might be accidentally overlooked or deliberately ignored.

Having established himself as one of this Nation's most respected economists, he brought to the Senate a breath of understanding regarding the Federal Government's role in combating domestic, economic, and social problems combined with unsparing criticism of governmental waste and inefficiency.

Reflecting the courage tempered by his distinguished military service, he has viewed the right to advocate unpopular but crucial causes as a personal duty and he has prophetically raised the eternal problems of human freedom and dignity in terms of our contemporary democratic society.

The American Political Science Association is privileged to present this Congressional Distinguished Service Award to PAUL H. DOUGLAS, Democrat, of Illinois—rigorous intellect, responsible, independent, defender of human rights, and consistent advocate of social progress.

Mr. HUMPHREY. Mr. President, I believe these words indicated with unusual force and clarity the factors which determined the respective selections.

The recipients of the Congressional Distinguished Service Awards are determined by a special awards committee appointed by the American Political Science Association. In 1961 the committee was composed of John D. Millett, president of Miami University—Ohio—as chairman; Max M. Kampelman, Washington attorney and treasurer and counsel of the association; Harold D. Lasswell, professor of law and political science at Yale University; John W. Lederle, president of the University of Massachusetts; James W. Miller, president of Western Michigan University; and John A. Perkins, president of the University of Delaware. The committee's selections were made from initial nominations by members of the Washington Press Association and the American Political Science Association. Dr. Millett presented the awards at the ceremony last Friday.

The award itself is a bronze plaque in the shape of an open book. The pages of the book are inscribed with the closing words of Lincoln's Gettysburg Address: "that government of the people, by the people, for the people shall not perish from the earth."

The bronze book is mounted on a deep red marble base which also serves as a fountain pen holder. It is a most handsome and meaningful work of art.

Mr. President, our colleagues who received this signal honor last Friday deserve our congratulations. Moreover, the American Political Science Association and the William Benton Foundation should be congratulated for making these awards a reality. But of most importance, all the American people—and particularly those who serve in Congress—should view this biannual presentation as a national reaffirmation of faith in the legislative process. These awards should symbolize the great responsibility we bear for the continued survival of democracy and liberty in an age of tyranny and slavery.

Mr. WILLIAMS of Delaware. Mr. President, I join the Senator from Minnesota in congratulating our distinguished colleagues in the Senate and in the House on receiving the awards of the American Political Science Association. I join him in saying that the association could not have picked two more worthy Senators than those who were selected.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. KEATING. I join in saluting our colleagues here and in the other body, with all of whom we have worked. We know that the American Political Science Association could not have picked any more worthy persons in either body of Congress to receive this honor. I regret that my distinguished friend from Minnesota rather spoiled the beauty of the occasion by joining onto his felicitations a boost for the feed grain program, upon which I have had some comments and upon which I shall hereafter have other comments, including perhaps comments on the fantastic figures presented by the distinguished Senator from Minnesota. But because I differ with him on the feed grain program does not mean that I cannot share with his good commonsense when he praises these colleagues with whom we have worked and whom we all know are so deserving of the high honor they have received. I think that his commendation of the American Political Science Association is also very much in order. To my way of thinking, the awards are very much to be cherished. They are a great stimulus to all in Congress to try to do a better job day in and day out. The association has performed a very distinct service by calling attention to and honoring these outstanding colleagues who surely merit such recognition.

LIMITATION INVOLVING NATIONAL SECURITY OF PROHIBITION ON PAYMENT OF ANNUITIES AND RETIRED PAY TO U.S. EMPLOYEES

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 844, H.R. 6141.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 6141) to amend the act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such act, and for other purposes.

The PRESIDING OFFICER. The question is on the motion of the Senator from Montana.

The motion was agreed to, and the Senate proceeded to consider the bill.

Mr. CLARK. Mr. President, the bill appears on the Senate Calendar for the third time in 2 years, having for the third time been unanimously reported favorably by the Senate Committee on Post Office and Civil Service. I have been selected as the Senator in charge of handling the bill because, as on former occasions when the bill came before the Senate, I happen to be the chairman of the subcommittee which considered it.

The bill is identical with the bill passed by the House on April 14, 1959, and again by voice vote in the House on July 12,

1961. Its purpose is to amend the act of September 1, 1959, dealing with the general subject of retirement and annuities in order to limit the cases involving the national security, the prohibition on the payment of annuities and retired pay to officers and employees of the United States.

The measure continues the prohibition contained in the 1954 act, as amended, against the payment of civilian annuity or military retired pay to any person who has committed an offense against the national security of the United States or who refuses to testify before a duly constituted judicial or congressional proceeding in a matter relating to the national security.

The measure restores civilian annuity benefits and military retired pay, including survivorship benefits to a number of widows and children, which, under the act of September 1, 1954, have been denied because of the commission of a variety of offenses in no way related to the national security.

The act of 1954 prohibits the payment of a civilian annuity or military retired pay to civilian employees or military personnel who are convicted of any one of a long list of criminal offenses enumerated in the statute. However, neither an annuity or retired pay awarded on or after September 1, 1954, may be paid regardless of the date the offense or conviction occurred. In cases where civilian annuity is denied, a refund of the individual's contributions to the retirement fund, with interest, may be made. In the case of a denial of military retired pay there is no deposit to be refunded.

On page 2 of the committee report appears an exhibit showing a summary of claims which were initially denied; those which were subsequently allowed, the number of claims still denied, also those which would be allowed upon enactment of the measure now before the Senate, as well as claims which would continue to be denied because of offenses involving the national security.

There is a series of detailed case explanations in the back of the report. The explanations cover five pages. These pages show the facts with respect to each of these cases dealt with by the bill. There is another exhibit in the back of the report which lists 51 cases in which retired pay has been denied to military persons by reason of Public Law 769, 83d Congress.

The military list is somewhat shorter than the civilian list, because as was testified in the hearing, which was held by the committee on July 26, 1961—and this appears in the footnote on page 33 of the hearings—"to insure that all cases were included in the listing would have required a costly and time-consuming examination of all retired records. These records are located in various parts of the country and not in one place, as is the case with Civil Service Commission records."

However, I believe that the sampling of the 51 military cases which appears in the report is a fair sampling.

It was the unanimous view of our committee, as it was twice the view of the House of Representatives, that a serious miscarriage of justice has resulted by reason of denial of rightful retirement benefits to former employees and military personnel and survivors of such persons convicted of offenses having nothing to do with the national security in violation of the original intent of the Congress in passing the law.

The bill would remedy this situation by providing for the restoration of civilian annuities and retired military pay to former employees and military personnel, including survivors, who have been denied such benefits under the act of September 1, 1954, because of conviction of offenses not related to the national security.

Such denial is clearly in violation of our traditional sense of justice, and also in violation of a contract which was entered into between the Government and the employee who was permitted to make payments under the law and which entitled him to an annuity.

On pages 3 and 4 are references to three typical cases of the injustice of which I speak. I ask unanimous consent that the references to case No. 1, case No. 85, and case No. 92, listed on pages 3 and 4 of the committee report, be printed in the RECORD at this point. These cases are a part of exhibit A.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

CASE NO. 1—EXHIBIT A

A postal clerk, after 36 years and 1 month of service was charged with embezzling $165 collected for parcel post mailing matter. He was removed from the service and indicted. The court, on considering all the evidence, imposed neither fine nor sentence but placed the former clerk on 3 years' probation.

Public Law 769 has imposed the added penalty of denial of an annuity actuarial value of $35,000.

CASE NO. 85—EXHIBIT A

A truckdriver for the Department of the Air Force, after serving 16 years and 1 month reached the mandatory retirement age of 70 and was separated April 30, 1956. In processing his civilian annuity, his military service during World War I came under scrutiny and it was found that he had been convicted by court-martial in 1918 of theft and selling a Government pistol while in the Army.

The penalty imposed by court-martial was dismissal from the service. Thirty-eight years later, Public Law 769 imposed the added penalty of denying him his civilian annuity with an actuarial value of $8,000, which he had earned through 16 years of honorable civilian service.

CASE NO. 92—EXHIBIT A

A Navy plasterer applied for retirement March 31, 1956, after 35 years and 4 months of service. In adjudicating his retirement claim, it was found that in August of 1946 he had been removed from his position for theft of Government property. He was tried, convicted, and sentenced to 1 hour in the custody of the U.S. marshal.

Public Law 769 imposed the added penalty of denial of an annuity with an actuarial value of $34,000.

Subsequently he received a Presidential pardon which allowed him to receive his earned annuity.

Mr. CLARK. I wish to make a few matters clear, and then I shall be done.

First, I wish to state that in any case in which an employee's offense has resulted in indebtedness to the United United States, the Government has full legal authority to obtain and would obtain restitution by deducting any such indebtedness from retirement payments authorized by the bill. That is set forth in full in a letter received from the Civil Service Commission, which appears at page 4 of the report.

I also wish to make it clear that the bill was initially recommended by the Eisenhower administration. It is now recommended by the Kennedy administration. It is not partisan legislation. The bill has been the subject of public hearings in both the House and the Senate. It is supported by the Bureau of the Budget, the Civil Service Commission, the Post Office Department, the Department of Defense, the Justice Department, and the General Accounting Office.

There was not a word of adverse testimony received from any source, and no Senator suggested amendments to the bill although the Committee gave full notice of the public hearings on the bill and specifically invited colleagues known to be opposed to the bill to appear and testify.

Finally, I invite the attention of my colleagues in the Senate to page 6 of the report, where there are listed various offenses against the national security which are dealt with by the bill, and where it is made quite clear that if an offense is committed against the national security, such as disloyalty, subversion, treason, or the like—and the various offenses are listed on page 6 of the report—the provisions of the bill would not permit the violator of statutes involving national security to receive his annuity.

That is about as far as I care to go at this time.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. CLARK. I am glad to yield to the Senator from Oklahoma, a member of the committee, who has been assiduous in his attention to this matter.

Mr. MONRONEY. Mr. President, I served in the House at the time this act was passed. It was passed to meet a specific national security violation which had occurred.

Mr. CLARK. The act of 1954 was passed in response to a specific security case as the Senator has stated.

Mr. MONRONEY. That is correct. It was done with a feeling that we should not in any way be bound by our pension or retirement benefit commitments where someone had violated the Nation's security or was charged with crimes that involved disloyalty to the Federal Government. I cannot remember that in any of the debate there were mentioned any of the circumstances that the Senator has described, or which are shown in the table of some 177 cases, which this bill would restore to full rights of retirement, which of course have been paid for by the 7 percent charged against the annuitants. This is not a matter of

a gratuity to Federal employees. It is a retirement policy, such as can be bought from any insurance company.

Mr. CLARK. It is a contract with the employee.

Mr. MONRONEY. Yes. No one would quarrel with removing such a benefit, even if it had been paid for, in the case of someone who had conspired against the national security. However, there have been brought into being a large number of cases which were never intended by Congress to be brought into this category.

I have before me an article published in the Washington Evening Star of February 23, 1961, which tells about a retired Marine Corps veteran with 25 years of honorable service. At the age of 50 he had been honorably retired. He had had four cancer operations in the preceding 3 years, and has a wife and four children.

In 1954 he was retired after 25 years of honorable service, with a letter of commendation from the then Marine Corps Commandant, Gen. Lemuel C. Shepherd, which read in part:

Your long and valuable service is appreciated and I wish you many years of happiness and prosperity.

This warrant officer had seen battle action during World War II in the Pacific, in Guadalcanal, the Solomon Islands, New Hebrides, and the Russell Islands. He also saw action in Nicaragua in 1931.

The article states:

There was only one thing that marred his otherwise perfect record.

In 1951 while the assistant officer in charge of a post exchange, he was convicted of the theft of $500. He was fined $750. However, the circumstances apparently weren't very damaging since he was promptly restored to duty and retired 3 years later with full honors.

In 1954 he started receiving his $283 a month pension. However, late last year the Marine Corps belatedly realized that under the Hiss Act he was not entitled to the pension.

I am sure that Congress did not intend to legislate to deny this Marine Corps veteran this benefit.

The fact is that whatever criminal or civil penalties attach to a crime are carried out in full against a Government employee, and probably with more severe punishment than in the case of a private citizen, because of the violation of trust that is involved in connection with a Government employee.

However, to violate a contract for one or more of a long list of offenses, as shown in the report, seems to me to be carrying the intent of the law far beyond that which Congress had in mind when it passed the law to prevent persons like Hiss and others from being allowed to retire on Government pay.

For this reason I believe a reading of the long list of people involved would be most enlightening, to show the punishment they received simply because they were Federal employees. Many of these persons, if the crime were severe enough, would be serving long sentences and paying for them. However, what they were entitled to as workers should not be denied those whose only hope of staying off charity or public assistance rolls would be in the entitlement for which they themselves have paid through their years of Government service.

The Committee on Post Office and Civil Service was unanimous, if I remember correctly. This is not a new item; it has been passed several times by the House.

Mr. CLARK. This was the third time since I have come to the Senate that the Committee on Post Office and Civil Service has been unanimous in approving a House bill to which no objection was raised, so far as I know, in the House or in the Senate Committee.

Mr. MONRONEY. As I understand the act, even though an employee has an automobile accident and is convicted of a felony, he is subject to loss of his right to benefits which may have accrued over 40 years of service. Is not that correct?

Mr. CLARK. The Senator is correct.

Mr. MONRONEY. It seems to me this is really greater jeopardy—I am certain it is greater jeopardy—than we intended to provide when we were legislating for one man. We have denied, and the bill will continue to deny benefits in 12 cases which would come under the head of violation of national security, but would leave a chance for at least 165 persons to be entitled to that which they have accumulated through their own payments and their own service in the Federal Government.

I know of no other retirement plan provided by industrial or insurance companies, or any other such means of providing for retirement, which is automatically canceled in the event a person is convicted of a felony.

It would be the greatest injustice to a man who may have a 25- or 30-year annuity which he has built up in an insurance company to be told by the company, "We are going to give you back your money at age 65, but the rest of the fund which you were building up under contract with the insurance company will be canceled because you had the misfortune to be involved in an automobile accident or a minor embezzlement, or in some one of the many crimes which are committed and for which fines have been meted out by the courts to fit the punishment to the crime."

Mr. CLARK. I thank the Senator from Oklahoma for his assistance.

Mr. MONRONEY. Mr. President, I ask unanimous consent that the entire article related to the Marine Corps veteran be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MARINE'S PENSION REVOKED BY HISS ACT

(By Joseph Young)

How can a 25-year battle veteran with the Marine Corps, who has an honorable discharge and a letter of commendation from the Marine Commandant, wind up not only being denied a pension but owing the Government $20,368 in pension pay?

This actual situation is one of many among Federal civilian employees and military personnel resulting from the so-called Hiss Act which was passed by Congress several years ago.

The law was passed after some Members of Congress discovered that Alger Hiss, who was convicted of perjury as a result of the sensational spy charges made by Whittaker Chambers, would be eligible for a deferred civil service annuity at age 62.

OTHERS INVOLVED

Congress passed a law aimed at denying the annuity to Hiss, but in the process wound up denying annuities and pensions to hundreds of other Federal employees and military personnel. The law denied annuities and pensions to anyone convicted of a felony against the Government, no matter how minor the offense or how extenuating the circumstances.

The case of the retired 50-year-old Marine Corps warrant officer is one in point. He has had four cancer operations in the past 3 years, and has a wife and four minor children to support.

In 1954 he retired on an honorable discharge after 25 years of service, with a letter of commendation from the then Marine Corps Commandant, Gen. Lemuel C. Shepherd. "Your long and valuable service is appreciated and I wish you many years of happiness and prosperity," General Shepherd wrote.

The warrant officer had seen battle action during World War II in the Pacific in Guadalcanal, the Solomon Islands, New Hebrides, and the Russell Islands. He also saw action in Nicaragua in 1931.

There was only one thing that marred his otherwise perfect record.

CONVICTED OF THEFT

In 1951 while the assistant officer in charge of a post exchange, he was convicted of the theft of $500. He was fined $750. However, the circumstances apparently weren't very damaging since he was promptly restored to duty and retired 3 years later with full honors.

In 1954 he started receiving his $283 a month pension. However, late last year the Marine Corps belatedly realized that under the Hiss Act he was not entitled to the pension.

His monthly pension was not only stopped but he was informed that he owed the Government $20,368 in pension money already paid him since 1954.

The retired officer is in an intolerable financial situation. He not only doesn't have the $20,368, he doesn't have enough money to meet his current bills and expenses. He is broke.

IN POOR HEALTH

The only income for the family of six is provided by his wife's salary of $81 a week. Because of his four operations for cancer, the former officer's health is much too poor for him to secure employment.

If anything happens to him, his family also would be denied the widow's pension to which the families of retired personnel are normally entitled.

The retired officer says, "I just can't help feeling bitter. I devoted 25 years of my life to the service of my country and, except for one mistake for which I paid, my record was an excellent one. Yet it seems as if the U.S. Government is doing everything it can to make life absolutely unbearable for myself and my family. This isn't the American justice in which I have always so strongly believed."

CAN'T LIVE ON $81

He added, "I just don't know how we all are gonig to live. You certainly can't get along on $81 a week."

As an afterthought, he remarked: "You know, it's ironic. I was in the Solomons the same time that President Kennedy was when he was injured while commanding a PT boat. We were both up to our necks in the war, and now look what's happened to me. I don't want to sound bitter or resentful, but

when I look around and see what this is doing to my family, it's hard not to feel that way."

A Presidential pardon for his offense could restore his pension once again, but legislation would still be needed to wipe out the $20,368 he owes the Government.

Congress last year nearly passed a bill amending the Hiss Act which would give this former Marine officer and other Federal employees and military personnel who are now denied annuities, the right to receive their annuities and cancel out any indebtedness. The bill would deny Alger Hiss an annuity by prohibiting such payments in cases involving national security.

BLOCKED IN SENATE

The bill was strongly backed by the Eisenhower administration and cleared the House easily. It also was approved by the Senate Civil Service Committee. But attempts to pass it on the Senate Consent Calendar were blocked when Senator WILLIAMS, Republican, of Delaware, objected. There wasn't enough time left before adjournament for the Senate to take it up on the regular calendar.

Now, similar legislation has been sponsored in the new Congress. The Kennedy administration is expected to support the bill.

The bill's sponsors are hopeful that this time it will become law. So do the hundreds of former employes and military personnel and their families who are now suffering such hardships because of the Hiss Act.

Mr. SALTONSTALL. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I am happy to yield.

Mr. SALTONSTALL. I shall not oppose the bill, but what disturbs me, as I read it, based upon my experience with respect to several difficult problems of this type, is that it makes no exceptions concerning the restoration of pensions and annuities as a result of domestic crime.

I thoroughly approve of the provision with respect to the security of the United States. On the other hand, suppose a person commits a felony of a serious nature—and what is a crime of a serious nature and what is not is difficult to define—but suppose he commits a serious felony, such as murder, to make it a 100-percent case, or the shooting of a police officer. Why should such a felon be allowed to continue his annuity or his retirement rights, as opposed to a citizen who has lived a clean life and has done his work? The bill covers national security. None of us can have any objection to that. What disturbs me is to think that a person who commits a serious felony may continue to receive his annuity.

Mr. CLARK. My answer to the Senator from Massachusetts is twofold: First, to call his attention to the long list of offenses against the national security on pages 6 and 7 of the report. Where convictions occur in such cases retirement benefits would not be restored under the bill.

Mr. SALTONSTALL. I agree to those.

Mr. CLARK. Heaven forbid that either the Senator from Massachusetts or I should commit murder, but if we did and paid for it with our lives—the bill would not make it impossible for our widows to collect Federal retirement benefits acquired over years of public service prior to the crime. Private insurance benefits and private business retirement benefits payable on death to survivors by contract would also be due under such circumstances. If that be true of private industry, why should there be a more rigorous rule in connection with Government service?

Mr. SALTONSTALL. Government service is an honor or a privilege. The Government desires to have the highest type of citizens. That perhaps may be a generalization. The Senator from Pennsylvania, as a former mayor of a great city, and I, having served in the capacity of chief executive of Massachusetts, know that there are certain kinds of crimes which make a Government employee, when he commits them, unsuitable to remain in the public service.

Mr. CLARK. The Senator is correct. Such a person would be immediately dismissed and penalized according to the criminal law. But should that have any effect on his civil contract rights?

Mr. SALTONSTALL. If his conviction results in his employment being taken away from him, certainly he should be refunded what he has put into the fund himself. What I had in mind, and what disturbed me when I read the bill, and after having had a discussion about it with the Senator from Delaware [Mr. WILLIAMS], is the question whether we should put the high-type citizen who has served his life out, let us say, in the Government Printing Office, or the Civil Service Commission, or the Department of Defense, or anywhere else, in the same category as a man who has committed a serious felony? What constitutes a serious felony, or where the line should be drawn, is something I am not prepared to define at the moment.

Mr. CLARK. All I can say to the Senator from Massachusetts is that this must be a question for each Senator to decide in accordance with his own individual conscience. In the voluminous list of cases which are set forth in the report—and they include all the cases which we have been able to dig up at the Civil Service Commission or the Department of Defense—there is not a single case in which the sentence was for as long as 5 years. The hypothetical case of murder, which the Senator has posed, has not yet arisen.

It is true that Government service is an honor, but I myself can see no reason—and this is a problem for each Senator to decide for himself—for violating a contract with a Government employee, any more than an insurance company would be permitted to violate a contract with a private individual who had taken out a policy, and paid premiums for it, if such person subsequently committed a crime and was convicted and penalized for it.

Mr. SALTONSTALL. The bill relates to a contract to which the Government is a party.

Mr. CLARK. Yes.

Mr. SALTONSTALL. I shall not object to the bill. I am not able to define what is bad. The report is unanimous. What disturbs me is that no domestic crimes are included in the category which would make it impossible for a man to continue his annuity.

Mr. CLARK. If the Senator from Massachusetts will bear with me, I shall like to quote from the testimony of Roger W. Jones, formerly Chairman of the Civil Service Commission, who is at present, as the Senator from Massachusetts knows, Assistant Secretary of State for Administration in the Kennedy administration. Mr. Jones was Chairman of the Civil Service Commission by appointment of President Eisenhower. He wrote to the committee as follows, when he was Chairman of the Civil Service Commission:

> While the Commission has agreed, and still agrees, that violations of law and other offenses involving the national security justify removal of annuity rights, we are strongly of the opinion that the limitations should stop there. It has never been a part of the philosophy of our legal system to institute and demand criminal penalties in a civil benefits statute. A law having such effect in offenses other than those involving national security is highly discriminatory and very materially enlarges the already still criminal penalties described in the appropriate criminal statutes.

The point Mr. Jones makes is that when a man has paid his debt to society, he has paid it; and to add these civil penalties in the nature of forfeiture of contract benefits is not quite right.

Mr. MONRONEY. Mr. President, will the Senator from Pennsylvania yield?

Mr. CLARK. I yield.

Mr. MONRONEY. I have examined the first page of exhibit A, which indicates that in 44 cases, only 10 individuals received any kind of prison sentences. One was for a year and a half; one was for 3½ years; one was for 1½ to 2 years; one was for a year and a day; one was for 3 years; one was for 60 days; one was for 6 months; one was for a year and a year and a day; one was for 3 months to 12 months; one was for a year and a day; one was for 5 months; one was for 18 months.

Three of the cases also involved fines. One was $1,500. One was a fine of $200, in addition to a jail sentence.

It is quite interesting to note that many of the persons who were caught received suspended sentences, and nothing was done. Yet they are subject to the loss of annuities for which they have paid amounts running into thousands of dollars.

Let me refer to 6 fines out of the 44. In one case there was a fine of $1,500, together with a jail sentence.

But in case 4 the sentence was suspended, and the defendant was assessed $30.15 court costs. That was what the judge thought was the proper punishment. But when we consider what the actual loss to the defedant was, we find that he lost a very valuable annuity which would have been worth $4,500. Is not that carrying the punishment to an unjust degree?

Mr. SALTONSTALL. Mr. President, will the Senator from Oklahoma yield?

Mr. MONRONEY. I yield.

Mr. SALTONSTALL. I completely agree with the Senator in regard to the cases he has mentioned.

At one time I was a district attorney; and I agree that when a man completes his jail sentence, we should make every effort to restore him to citizenship.

As I said to the Senator from Pennsylvania, I think government service is an honor.

I agree with what the Senator from Oklahoma has said in regard to all these cases.

But when serious felonies are involved—and as I have said, without devoting a great deal of thought to this situation, I do not know where the line should be drawn—I wonder whether such persons should be treated in the same way and placed in the same category with citizens who have lived clean lives, even though perhaps working in subordinate positions.

Mr. MONRONEY. I agree with the Senator, up to a certain point. But every Senator knows that some evening when a Senator is traveling by automobile to his home State, he may become involved in an automobile accident; and in the process of attempting to determine who was at fault, the district attorney might decide to bring a manslaughter charge against the Senator, and he might be convicted. If the judge determined that the proper sentence under the circumstances was 10 years or longer in jail, in the opinion of the judge that would be the proper and justifiable punishment. But I do not believe that, in addition, after many years of service in the Senate—or, in the case of postal employees or persons in the military service, after a lifetime in that service—a conviction of manslaughter—although, of course, manslaughter is a serious crime—should be allowed to cancel out all that such a person had accumulated, and in connection with which he had paid large amounts of money, and even though his work for the Federal Government had been satisfactory, only by the chance of fate would he then find that he and his wife and his children would forever be denied the benefits of what he thought was an honest retirement contract with his Government. That is not a reward; it is a contract entered into as part of Government service. The old concept that retirement was a gratuity by the employer has long since ceased to be regarded as correct.

So if the Senator will examine the statistics on the sheets which accompany the committee report, he will find them most informative, and he will find that many of those who are entitled to receive such annuities have lost thousands of dollars' worth of annuities to which they were entitled.

Mr. SALTONSTALL. I agree with 85 percent of what the Senator has said. But the situation disturbs me. However, I do not have an answer.

Mr. MONRONEY. The act has been in effect since 1954; yet, of perhaps hundreds of thousands of Government employees who have retired, there have been only 213 cases of this sort; and certainly it is important that we correct the injustices.

In 28 of the cases, the claims subsequently were allowed after the persons involved had received Presidential pardons; in 3 cases the claims were later allowed, after there had been a decision by the Court of Claims; and in 5 cases the claims later were allowed, as a result of reconsideration of the evidence. Those 3 groups make a total of 36—36 out of the 2,130 cleared. That is a very small percentage.

The claims currently denied under the act are 177. The claims which would have been allowed upon enactment of this measure are 165. And the claims which would continue to be denied because of offenses involving the national security are 12—because of subversive activities or crimes against the national security.

But when we consider the magnitude of the offenses and when we compare the treatment in these cases with the treatment accorded the millions of persons who receive social security, it is proper to ask whether social security benefits are denied one who has been convicted of either a major crime or a minor crime.

These annuities have been earned, and the beneficiaries are entitled to them, just as the beneficiary of a life insurance policy is entitled to the proceeds of the policy after the contract with the life insurance company has been entered into.

But this law seeks to punish those in this small group—this small number of unfortunate persons who, by their own acts—either intentionally or unintentionally, or perhaps as a result of drunkenness—have done things for which subsequently they have been convicted.

We must bear in mind that these cases are not the type of civil jurisprudence cases which arise from time to time in the courts. Instead, those involved in these cases have been denied annuities to which they have become entitled after long years of service.

This measure would make such corrections in only the 165 cases of this sort which have come up in all that length of time.

Mr. SALTONSTALL. Mr. President, I am glad to have had this brief discussion with the Senator from Pennsylvania and the Senator from Oklahoma. I think it is very interesting and very philosophical.

Mr. LAUSCHE. Mr. President, will the Senator from Pennsylvania yield to me?

Mr. CLARK. Mr. President, if the Senator from Ohio will permit me to do so, I desire to yield first to the chairman of the committee, the Senator from South Carolina [Mr. JOHNSTON].

Mr. LAUSCHE. Very well.

Mr. JOHNSTON. Mr. President, the Committee on Post Office and Civil Service studied this measure on three different occasions. On each occasion the committee arrived at what it regarded was a good solution of the problem involved.

We found that the bill which had been passed during the heat of the high feeling which prevailed in 1954—and Senators will recall that there was then a great deal of talk about Communists in the Government service and about the number of Government employees who at that time were alleged to be Communists; and the bill was passed under those circumstances, and went much farther than the committee actually intended. Amendments were adopted on the floor of the House and on the floor of the Senate; and Senators will recall that at that time it was hard to oppose an amendment which related at all to communism.

The truth of the matter is that the bill as drawn up then has penalized a great many Government employees who have committed minor offenses though that was not the intent of the legislation. We think the punishments have been absolutely wrong and have gone too far. For instance, in connection with this point I read now from page 4 of the committee's report:

CASE NO. 92—EXHIBIT A

A Navy plasterer applied for retirement March 31, 1956—

Two years after the passage of the Act—

and after 35 years and 4 months of service. In adjudicating his retirement claim—

And we must bear in mind that he had been working for the Government up to that point—

it was found that in August of 1946 he had been removed from his position for theft of Government property. He was tried, convicted, and sentenced to 1 hour in the custody of the U.S. marshal.

Public Law 769 imposed the added penalty of denial of an annuity with an actuarial value of $34,000.

Subsequently he received a Presidential pardon which allowed him to receive his earned annuity.

Senators should consider how hard it is, for such persons to obtain Presidential pardons, even though the pardons only restore to them the right to receive their earned annuities. That of course, is what should be done in such instances.

Something has been said about the commission of major crimes. I would like to point out that since September 1, 1954, up to February 1, 1961, no major crime, such as mentioned here on the floor of the Senate, has been committed by such persons. Senators will find that of the 213 claims which have been denied, not one of them was denied because of the commission of a major felony.

What does this measure do? It restores 165 claims that have been denied since 1954. In my opinion, it also adequately protects us in the future in respect to our national security.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the part of the report relating to pertinent sections of the United States Code, beginning on page 6 and continuing to page 7, just before the words "section 2."

There being no objection, the extract was ordered to be printed in the RECORD, as follows:

TITLE 18, UNITED STATES CODE

Section

*702. Harboring or concealing person with knoweldge or suspicion that he may commit or has committed offense under sections 793 or 794.

*793. Gathering, transmitting, or losing defense information.

*794. Gathering or delivering defense information to aid foreign government.

Section
*798. Disclosing classified information.
*2151 to 2156 (ch. 105). Destroying war material, producing defective war material, interfering with war operations, etc.
*2381. Treason.
*2382. Misprision of treason.
*2383. Inciting or assisting rebellion or insurrection.
*2384. Engaging in seditious conspiracy.
*2385. Advocating overthrow of Government.
*2387. Interfering with or affecting morale, etc., of Armed Forces.
*2388. Interfering with Armed Forces during war.
*2389. Recruiting for service against United States.
*2390. Enlisting to serve against United States.

TITLE 42, UNITED STATES CODE (1952 EDITION)

Section
*1810. With intent to injure United States or secure advantage to any foreign nation, acquiring, revealing, mutilating, etc., atomic energy documents, plans, etc.
**1816. Violating or conspiring to violate certain provisions of title 42 relating to atomic energy. (Covered in Public Law 769 whether or not there is intent to injure United States or secure advantage to foreign nation.)

TITLE 42, UNITED STATES CODE

Section
2272. Willfully violating or conspiring to violate specific code sections respecting atomic energy, with intent to injure United States or secure advantage to foreign nation.
2273. Willfully violating or conspiring to violate code sections respecting atomic energy generally, with intent to injure United States or secure advantage to foreign nation.
2274. Communicating restricted atomic energy data, with intent to injure United States or secure advantage to foreign nation.
2275. Acquiring or attempting to acquire restricted atomic energy date, with intent to injure United States or secure advantage to foreign nation.
2276. Tampering with restricted atomic energy data, with intent to injure United State or secure advantage to foreign nation.

TITLE 10, UNITED STATES CODE (UNIFORM CODE OF MILITARY JUSTICE)

Section
904. Aiding the enemy.
906. Spying.

Other sections involving certain statutory violations if sentence includes death, dishonorable discharge, or dismissal.

**Knowingly and willfully failing or refusing to appear, testify, or produce any paper with respect to his Government employment, before a Federal grand jury, Federal court, court-martial, or congressional committee, in any proceeding regarding his relationship with a foreign government or any matter involving any interference with or endangerment of the national security.

**Committing perjury (1) in falsely denying commission of offense covered in the bill, (2) in falsely testifying before a Federal grand jury, Federal court, or court-martial with respect to his Government employment involving interference with or endangerment of national security, or (3) in falsely testifying before a congressional committee involving interference with or endangerment of national security; also committing subornation of perjury in connection with another person's false denial along the same lines.

**Knowingly and willfully making false statement or concealing material fact, in connection with his employment or application for employment, regarding (1) his connections with the Communist Party or similar group, (2) his conviction of an offense described in the bill, or (3) his failure or refusal to appear and testify or produce paper as described.

**Willfully remaining outside the United States, its territories and possessions, and Puerto Rico for more than 1 year with knowledge of indictment for offense described in the bill or of outstanding charges preferred under the Uniform Code of Military Justice.

Mr. JOHNSTON. The part of the report I have put in the RECORD relates to offenses covered by section 1 of the bill.

It relates to title 18 of the United States Code, for instance section 792, harboring or concealing a person with knowledge or suspicion that he may commit or has committed an offense under section 793 or 794.

Section 793, gathering, transmitting, or losing defense information.

Section 794, gathering or delivering defense information to aid a foreign government.

Section 798, disclosing classified information.

Sections 2151 to 2156, destroying war material, producing defective war material, interfering with war operations, and so forth.

Section 2381, treason.

Section 2382, misprision of treason.

Section 2383, inciting or assisting a rebellion or insurrection.

Section 2384, engaging in seditious conspiracy.

Section 2385, advocating overthrow of Government.

Section 2387, interfering with or affecting morale, and so forth, of the Armed Forces.

Section 2388, interfering with the Armed Forces during war.

Section 2389, recruiting for service against the United States.

Section 2390, enlisting to serve against the United States.

Section 1810, of title 42, with intent to injure the United States or secure advantage to any foreign nation, acquiring, revealing, mutilating, and so forth, atomic energy documents, plans, and so forth.

Section 1816, title 42, violating or conspiring to violate certain provisions of title 42 relating to atomic energy.

The report continues in this vein and reflects the fact that we have written provisions into the law to adequately protect the national security in every instance where it was necessary.

Under this bill an individual is given the right to receive his benefits under a contract previously entered into with the Government of the United States. It not only protects the individual, but an innocent widow also is given the right to receive benefits under the contract. At the present time, under the laws in effect, those rights are taken away.

Is it right to take away from individuals the contractual benefits they were entitled to receive under contracts they had entered into with the Government? I think not. The Committee on Post Office and Civil Service has brought this bill forth on three separate occassions because it thought it was right and just to adopt a bill to correct this injustice.

Mr. WILLIAMS of Delaware. Mr. President, first, I wish to say that I agree to a certain extent with members of the committee who have discussed the proposed legislation that there are some meritorious cases with which we should deal but this bill goes too far. I point out that we are not dealing with the question of restoring the retirement benefits of a marine who may have committed some slight indiscretion, nor are we dealing with restoration of the retirement benefits of the widow of some postal clerk. What we shall do, if we pass the bill, as presented by the committee, is to restore retroactively full retirement benefits of every convicted crook and scoundrel who has ever worked for the U.S. Government. This bill restores full retirement benefits to those officials who accepted bribes in connection with their official duties, or who have been convicted—and I emphasize the word "convicted"—of having embezzled Government funds.

The suggestion has been made that the bill has been before the Senate three times, having been reported by the Committee on Post Office and Civil Service. That statement is true. The reason it is here again the third time is that on the two preceding occasions the bill was overwhelmingly defeated and sent back to the committee on the basis that the Senate did not want to pass such legislation.

Now on the New Frontier we find a general letdown of those moral standards which were once expected of public officials.

The slogan that a public official is a public trust is out of date here in this administration. Instead we find the Senator from Pennsylvania advocating a bill which in effect is a private bill for the relief of crooked public officials.

The argument has been made that failure to enact the bill would result in great hardship. One of the examples described was a situation where a Government employee, upon leaving his work and driving home, has an automobile accident. A jury hearing the case decides that it was the fault of the Government employee, and as a result he is convicted of that crime. According to the Senator from Pennsylvania this employee would lose his retirement benefits.

That is not correct. There is not a word or phrase in the existing law which in any way would affect a Government employee's retirement benefits by such an incident.

The present law relates only to certain crime such as embezzlement, accepting bribes, and so forth, in situations connected directed with their official duties as a Government employee.

Mr. President, I ask that the act, as printed on page 10 of the report of the Committee on Post Office and Civil Service, be printed at this point in the RECORD.

There being no objection, the act was ordered to be printed in the RECORD, as follows:

ACT OF SEPTEMBER 1, 1954 (68 STAT. 1142)

[That there shall not be paid to any person convicted prior to, on, or after the date of enactment of this Act of any of the following offenses described in this section, or to the survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or the date of enactment of this Act, whichever is later, any annuity or retired pay on the basis of the service of such person as an officer or employee of the Government:

[(1) Any offense defined in section 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 216, 217, 218, 219, 220, 221, 222, or 223 of chapter 11 (relating to bribery and graft), section 281, 282, 283, 284, 285, 286, or 287 of chapter 15 (relating to claims and services in matters affecting government), section 434, 435, 436, 441, 442, or 443 of chapter 23 (relating to contracts), chapter 37 (relating to espionage and censorship), section 1700, 1702, 1703, 1704, 1705, 1706, 1707, 1708, 1709, 1711, or 1712 of chapter 83 (relating to offenses involving the postal service), chapter 105 (relating to sabotage), or chapter 115 (relating to treason, sedition, and subversive activities) of title 18 of the United States Code or in section 10 or 16 of the Atomic Energy Act of 1946 (42 U.S.C., secs. 1810 and 1816);

[(2) Any offense (not including any offense within the purview of section 13 of title 18 of the United States Code) which is a felony under the laws of the United States or of the District of Columbia (A) committed in the exercise of his authority, influence, power, or privileges as an officer or employee of the Government, or (B) committed after the termination of his service as an officer or employee of the Government but directly involving, directly resulting from, or directly relating to, the improper exercise of his authority, influence, power, or privileges during any period of his service as such an officer or employee;

[(3) Perjury committed under the laws of the United States or of the District of Columbia (A) in falsely denying the commission of an act which constitutes any of the offenses described in paragraph (1) or (2) of this section, (B) in falsely testifying before any Federal grand jury or court of the United States with respect to his service as an officer or employee of the Government, or (C) in falsely testifying before any congressional committee in connection with any matter under inquiry before such congressional committee; or subornation of perjury committed in connection with the false denial or false testimony of another person as specified in this paragraph;

Mr. WILLIAMS of Delaware. The present law specifically provides that retirement benefits can be denied only to Government employees who are convicted of certain crimes—crimes which are committed in connection with their official duties as employees of the U.S. Government. The present law would not in any way affect the retirement benefits of an employee having an accident while driving his car. Any crime which might be committed by the employee after he leaves the U.S. Government has no bearing on the argument here. The present law does and it should deny retirement benefits to public officials who are convicted in the courts of violating their public trust.

The reason the law was first enacted was that at the time the case of Alger Hiss was being considered, there were many who felt that he was not entitled to his retirement benefits. When the bill concerning this question came to the Senate, the Senate, knowing full well what it was doing, enlarged the bill to exclude from retirement benefits public officials who while holding high positions of authority accepted bribes for fixing tax cases or for rendering certain decisions in their department or who have been convicted with embezzling public funds.

Let us not forget that just a few years ago there was quite a scandal in the Revenue Service. There were a great many crooked tax collectors. In several instances Treasury agents were fixing tax cases of some of the biggest racketeers in the country and they were convicted in the courts for these crimes.

The bill could restore the full retirement benefits to every crooked tax official convicted of such a charge.

This bill will restore full retirement benefits to every convicted 5 percenter and influence peddler.

Where are the high moral standards about which so much lipservice has been given during recent campaigns?

Why is there so much concern on the part of some for these unscrupulous public officials?

Oh the committee says only 165 cases are mentioned, and none of the cases involved tax fixing. Only 165 cases are mentioned because only 165 individuals have applied for pension rights and have been denied. No mention is made of the scores or perhaps hundreds of other former employees who have been convicted of accepting bribes or embezzlement but who knew they had no retirement benefits and did not apply and therefore have not been denied. If the bill is passed, all of those employees who have not previously applied for such benefits may then come in and collect their full retirement benefits retroactively.

Some of the retroactive benefits which will be paid to these former convicted officials run as much as $15,000 or $20,000 in retroactive payments. These large payments go to officials who have been convicted and have served time in the Federal penitentiary for accepting bribes or for embezzling Government funds.

At this point I ask unanimous consent that there may be printed in the RECORD, as a part of my remarks, some of the cases wherein retirement benefits will be restored under this bill.

There being no objection, the text of the statute was ordered to be printed in the RECORD, as follows:

CASE NO. 10—CLAIM NO. 372591

Agency last employed: Post Office Department.
Position: Clerk.
Service: 35 years 11 months.
Description of offense: Embezzling letters and money from mails.
Date of offense: June 10, 1954.
Date of final separation: June 30, 1954.
Reason for final separation: Optional retirement.
Sentence of court (as reported by agency): Date, November 22, 1954; prison, suspended; years of probation, 2.
Present value of annuity denied by Public Law 769, $32,000.
Approximate refund due: $4,731.71, March 4, 1955, plus $910 annuity paid.
Annuity: Monthly, $222; accrued to February 28, 1961, $16,480.
H.R. 4601 would remove bar to payment.

CASE NO. 14—CLAIM NO. 365822

Agency in which last employed: Post Office Department.
Description of offense: Theft of mails, several hundred dollars for which restitution made.
Date of offense: March 9, 1954.
Date of final separation: April 9, 1954.
Reason for final separation: Removed.
Sentence of court (as reported by agency): Date, May 10, 1954; prison, suspended; years of probation, —.
Present value of annuity denied by Public Law 769, $29,000.
Approximate refund due: Unpaid, $4,887.01.
Annuity: Monthly, $182; accrued to February 28, 1961, $13,768.
H.R. 4601 would remove bar to payment.

CASE NO. 15—CLAIM NO. 370635

Agency in which last employed: Post Office Department.
Position: Clerk.
Service: 32 years, 1 month.
Description of offense: Embezzlement of $1,200 from Government funds and falsification of records to conceal embezzlement. Restitution of full amount made on March 5, 1954.
Date of offense: Prior to March 5, 1954.
Date of final separation: April 13, 1954.
Reason for final separation: Removed.
Sentence of the court (as reported by agency): Date: ——; prison, suspended; years of probation, 2.
Present value of annuity denied by Public Law 769: $18,000.
Approximate refund due: Paid $5,266.03.
Annuity: Future annuity effective July 1, 1961.
H.R. 4601 would remove bar to payment.

CASE NO. 16—CLAIM NO. 384441

Agency last employed: Post Office Department.
Position: Postmaster.
Service: 35 years 9 months.
Description of offense: Embezzlement of $1,036.44. Falsification of entries. Failure to remit surplus funds. Irregularities. Restitution made on February 20, 1947.
Date of offense: Prior to February 14, 1947. Disclosed on special inspection February 11, 1947.
Date of final separation: February 14, 1947.
Reason for final separation: Removed.
Sentence of court (as reported by agency): Date, March 11, 1947; prison, suspended; years of probation, 1.
Present value of annuity denied by Public Law 769: $14,000.
Approximate refund due: Unpaid, $344.38.
Annuity: Monthly, $102; accrued to February 28, 1961, $11,320.
H.R. 4601 would remove bar to payment.

CASE NO. 98—CLAIM NO. 451482

Agency in which last employed: Post Office Department.
Position: Station superintendent.
Service: 28 years 11 months.
Description of offense: Charged with embezzlement of motor vehicle tax stamp fund and forgery of postal savings certificates in violation of sections 500 and 1711, title 18, United States Code.
Date of offense: Prior to August 3, 1945.
Date of final separation: December 3, 1945.
Reason for final separation: Removed.
Sentence of court (as reported by agency): Date, March 26, 1946; prison, 1 year and 1 day.

Present value of annuity denied by Public Law 769: $14,000.

Approximate refund due: Paid, $570.97.

Annuity: Monthly, $114; accrued to April 30, 1960, $4,474.

H.R. 4601 would remove bar to payment.

CASE NO. 155—CLAIM NO. 548990

Agency last employed: Post Office Department.

Position: Special clerk.

Service: 27 years 4 months.

Description of offense: Charged with embezzlement of interest payments on postal savings certificates in violation of title 18, United States Code, section 355 (now section 1711).

Date of offense: May 16, 1947.

Date of final separation: May 16, 1947.

Reason for final separation: Removal.

Sentence of court (as reported by agency): Date, June 9, 1947; prison, 1 year and 1 day on each of three counts to run concurrently.

Present value of annuity denied by Public Law 769: $13,000.

Approximate refund due: Paid, $3,741.39.

Annuity: Monthly, $97; accrued to April 30, 1960, $1,552.

H.R. 4601 would remove bar to payment.

CASE NO. 187—CLAIM NO. 593831

Agency last employed: Department of the Interior.

Position: Area land officer.

Service: 29 years 10 months.

Description of offense: Charged with violation of section 371, title 18, United States Code, conspiracy to defraud the Government. Also charged with violation of section 1001, title 18, United States Code, on two counts—fraudulent statements in applications for patents and fees and false statements in relation to representations made to the Bureau of Indian Affairs in regard to acquisition of lands for the Confederate Tribes on the Warm Springs Reservation. Offenses committed in the exercise of his power and privileges as a Government employee.

Date of offense: Prior to April 11, 1952.

Date of final separation: August 26, 1952.

Reason for final separation: Removal.

Sentence of court (as reported by agency): Date, May 14, 1953; fine, $5,000; prison, 6 months on each of four counts to run concurrently.

Present value of annuity denied by Public Law 769: $33,000.

Approximate refund due: Unpaid, $6,546.54.

Annuity: Monthly, $240; accrued to February 28, 1961, $4,080.

H.R. 4601 would remove bar to payment.

Mr. WILLIAMS of Delaware. The argument has been made that it is only under this law that the pension right is taken away from an employee of the U.S. Government, for crimes committed in connection with his official duties.

This procedure has long been followed by administrative order, and was followed prior to the time of the passage of this act in 1954. I invite attention to the fact that even today a GI who while serving in the U.S. Army, gets into difficulty and receives a dishonorable discharge, he forfeits not only the military retirement benefits under the law—but in addition also forfeits any rights given him under any GI Bill of Rights—and the proposed legislation would not restore such rights.

Perhaps the GI may have been AWOL—he was homesick or he did not get back to his post in time, or perhaps he stole a few cigarettes. Yet if he gets a discharge other than an honorable discharge, he loses all benefits. There is nothing in the pending bill which would restore his benefits.

His offense is minor compared to that of a high public official who accepts bribes for fixing the tax case of a racketeer.

Yet the committee is here shedding its crocodile tears for these crooked public officials and wants to restore their full retirement benefits on a retroactive basis. Why?

The bill before us would restore to the retirement rolls every Director of the Internal Revenue Service and every top official in the revenue department, who was convicted of soliciting and accepting bribes for fixing tax cases. I challenge anyone to deny this assertion.

I call attention again to the fact that much is said by the military about the unfairness of the present law. I refer to an article which appeared in the Washington Evening Star of June 23, 1960, entitled "Hiss Act Seen Unjust to Military." I ask unanimous consent that the article may be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HISS ACT SEEN UNJUST TO MILITARY

The Pentagon has told Congress that thousands of servicemen have lost or face the loss of their retirement pay because of the Hiss Act. The Pentagon called this a "gross injustice."

The law, adopted in 1954, bars workers from receiving Federal benefits after conviction on a wide variety of charges. The act was designed to prevent former State Department official, Alger Hiss, from receiving benefits after he had been convicted of perjury. The law, however, embraces all Federal workers and dozens of unlawful acts.

Defense Department General Counsel J. Vincent Burke recently informed the Senate Post Office and Civil Service Committee that the law as written and applied had already deprived servicemen of retirement pay because of relatively minor offenses.

Mr. Burke said this "harshness was never intended by the Congress." He urged the act be rewritten to limit its application to security cases.

The House has already approved the changes suggested by the Pentagon. The Senate committee likewise approved, but the Senate sent it back to the committee with instructions to gather new evidence.

Mr. WILLIAMS of Delaware. Mr. President, immediately following the last insertion I ask unanimous consent to have printed in the RECORD two letters, one signed by Major General Lee, in which he confirms the fact that the armed services still continue to stop retirement benefits for military personnel who are dishonorably discharged. Nor will the enactment of this bill effect such action.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 2, 1959.

Hon. JOHN J. WILLIAMS,
U.S. Senate.

DEAR SENATOR WILLIAMS: This is in further reply to your letter requesting a complete report on the effects of a dishonorable discharge for enlisted or officer personnel of the Armed Forces.

With the exception of personnel awarded retired pay under the provisions of title 10, United States Code, sections 1331 to 1337, enlisted personnel who are dishonorably discharged and officers who are dismissed from the service are not eligible for military retirement benefits. Federal statutes authorizing retirement benefits uniformly require, with the exception of the above mentioned statutes, that an individual hold a military status at the time of his retirement. Since dishonorable discharge and dismissal effect a complete termination of military status, a member separated from the service under such conditions cannot be placed on the retired list.

Title 10, United States Code, sections 1331 to 1337, authorize the payment of retired pay to nonregular personnel. These statutes do not require that the individual hold a military status at the time of eligibility for retired pay. Providing he is otherwise qualified, an individual with 20 or more years of creditable service becomes eligible upon attaining age 60 for retired pay under these provisions of law even though his military status was terminated by dishonorable discharge or dismissal.

The eligibility of personnel for retirement as outlined above is qualified to the extent that consideration is given to the provisions of the so-called Hiss Act (act of September 1, 1954 (68 Stat. 1142), as amended (5, U.S.C., 2281 et seq.)). If an individual's dishonorable discharge or dismissal is predicated upon conviction of an offense within the purview of that act, he is forever barred from receiving retired pay from the Government under any provisions of law.

Inclosed for your information is a copy of a chart prepared in the Department of the Army entitled "Incidents of Discharge."

I am glad to have been of service to you.

Sincerely yours,

R. V. LEE,
Major General, U.S. Army,
The Adjutant General.

VETERANS' ADMINISTRATION,
Washington, D.C.

The Honorable JOHN J. WILLIAMS,
U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: Your letter of February 10 to the Department of the Army has been sent to us for reply to that part concerning benefits under title 38, United States Code, which incorporates the provisions of the former GI bill.

A veteran who receives a dishonorable discharge is not entitled to benefits from the Veterans' Administration. This applies to officers and enlisted personnel of the Armed Forces.

Very truly yours,

W. J. DRIVER,
Chief Benefits Director.

Mr. WILLIAMS of Delaware. Under date of July 15, 1961, the Department of Defense issued a directive establishing a new code of ethics for that Department.

This bulletin is entitled "Standards of Conduct." It was published July 15, 1961, by the Department of Defense. It outlines penalties for anyone violating this new code of ethics. This new code of ethics of the Defense Department takes away the retirement benefits from any officer violating its provisions even without conviction. I should like to quote briefly from these new rules of conduct. I am quoting from page 4, as follows:

Retired pay of a regular retired officer is subject to forfeiture during any period within 2 years of his retirement if he sells for himself or another any supplies of war materials to the Department of Defense,

Coast Guard, Coast and Geodetic Survey, or the Public Health Service.

Under this new rule of conduct outlined by the Department of Defense an officer can lose his retired pay by administrative action without having been convicted in the courts.

Yet the committee here today wants to pass a bill restoring by law full retroactive retirement benefits to every previously convicted U.S. Government official.

I ask unanimous consent that the remainder of this particular chapter of the code of ethics recently approved by the Defense Department be printed in the RECORD at this point as a part of my remarks along with an article appearing in the New York Times of July 5, 1961, commenting upon this new code of ethics.

There being no objection, the chapter and the newspaper article was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF DEFENSE DIRECTIVE NO. 5500.7, JULY 15, 1961

STANDARDS OF CONDUCT

I. Purpose and scope

A. This directive prescribes the standards of conduct, relating to possible conflict between private interests and official duties, required of all military and civilian DOD personnel, regardless of assignment. Close adherence to these principles, it is believed, will insure compliance with the high ethical standards demanded of all public servants.

B. There is attached a copy of Executive Order No. 10939 of May 5, 1961, which prescribes special standards applicable to Presidential appointees and others (see enclosure 1).

C. This directive is also intended to insure that DOD personnel do not knowingly transact business with persons who are within statutory prohibitions or under circumstances where there may be a possible conflict of interest between governmental duties and private affairs. It is in consonance with the code of ethics for Government service contained in House Concurrent Resolution 175, 85th Congress, which is applicable to all DOD personnel.

B. Selling or contracting for sale: No regular retired officer of the Armed Forces will sell, contract for the sale of, or negotiate for the sale of anything to the military department in which he has retired status in violation of applicable statutory restrictions. Retired pay of a regular retired officer is subject to forfeiture during any period within 2 years of his retirement if he sells for himself or another any supplies or war materials to the Department of Defense, Coast Guard, Coast and Geodetic Survey, or the Public Health Service. For the purpose of this section, selling means (1) signing a bid, proposal, or contract, (2) negotiating a contract, or (3) contacting an officer or employee of the Department of Defense for the purpose of (i) obtaining or negotiating contracts, (ii) negotiating or discussing changes in specifications, price, cost allowances, or other terms of a contract, or (iii) settling disputes concerning performance of a contract, (4) any other liaison activity with a view toward the ultimate consummation of a sale even though the actual contract therefor is subsequently negotiated by another person. However, it is not the intent of this directive to preclude a retired officer from accepting employment with private industry solely because his employer is a contractor with the Government.

[From the New York Times, Sept. 5, 1961]

ETHICS TIGHTENED FOR U.S. WORKERS—APPEARANCE OF MISBEHAVIOR IS NOW BEING BARRED

(By Joseph A. Loftus)

WASHINGTON, September 4.—Federal departments, acting on President Kennedy's exhortations, have tightened their ethical codes for employes.

The concept of good behavior being written in the Kennedy codes is that employes must avoid not only misbehavior, but also the appearance of misbehavior.

The word "appearance," or a variation of it, appears in all the revised agency codes so far submitted to the White House.

"We consider Caesar's wife," said a Defense Department official, referring to the code he helped to draft.

DEFENSE CODE TIGHTENED

But the Defense Department has gone even beyond the virtue expected of Caesar's wife to remain above suspicion. The department has, in fact, written tighter restrictions into its code.

Retired military officers who are hired by corporations that do business with the Pentagon are particularly affected by the tighter code.

The rule penalizing officers who sell to the services within 2 years of retirement has been criticized. The argument is that some retired officers have evaded the prohibition by doing only the preliminary sales work among their former colleagues. The final selling is left to another person in the corporation.

Selling, within the meaning of the new code, however, is not only "contacting an officer or employe of the Department of Defense for the purpose of obtaining or negotiating contracts" but also, "any other liaison activity with a view toward the ultimate consummation of a sale subsequently negotiated by another person."

VIOLATORS LOSE PENSIONS

The penalty for violation is forfeiture of retirement pay.

"However," the code adds, "it is not the intent of this directive to preclude a retired officer from accepting employment with private industry solely because his employer is a contractor with the Government." In other words, the test is not whether the former officer is employed by, say, a munitions maker, but whether he moves in the selling orbit.

Speaking of appearance, the directive says: "In any case where Department of Defense personnel have any financial interest in any business entity, or have arranged or are negotiating for their subsequent employment by such entity, they are disqualified from representing the Department of Defense in dealings of any kind with such entity."

The ban on accepting gratuities, entertainment, and bribes is more restrictive. Under the old code, the beneficiary enjoyed some flexibility. He could in the gray areas, interpret the rule for himself.

Now the ban applies to favors, gratuities, and entertainment that might affect, "or might reasonably be interpreted as affecting," the impartiality of the beneficiary. In other words, as one official put it, a free meal might violate the code if a "reasonable" person outside believed, in all the circumstances, that the favor might impair impartial action by the officer or civilian in the department.

The Department of the Interior, apart from anything resembling bribery, is concerned to an extent about conduct after office hours.

"Personal and private conduct of an employe," the Interior code says, "that reflects adversely upon the dignity and prestige of the Federal service, is also a matter of concern to departmental management. All employes are expected to cultivate those personal qualities which characterize a good civil servant—loyalty to the United States, a deep sense of responsibility for the public trust, and a standard of personal deportment which will be a credit to the individual."

The Department of Labor, while not opopsed to employees holding an outside job, cautions its workers about conflict of interest. This section was tightened to prohibit a department employee from taking a job with any person or private enterprise if the employment "would be related to any contract such person or private enterprise may have with the Federal Government."

The White House is seeking uniformity of those codes so far as practical. The work of the departments vary and not all provisions are appropriate in every case.

PRIVATE DEBT PROBLEM

The Agriculture Department and the Department of Health, Education and Welfare take different views of their responsibilities for maintaining an employee's private credit rating.

Both codes remind the employees that financial backsliding will not help their Government careers. Agriculture, in addition, appears to extend help to creditors by facilitating collection systems when the creditors complain. The Health Department, while plainly advising employees to pay their just debts, says it is not a collection agency.

Frederick G. Dutton, special assistant to the President, said the Civil Service Commission will be asked to review all the codes for adequacy, uniformity and for simplification and readability. In the meantime, the codes as submitted to the White House are in effect. Complementary legislation proposed by President Kennedy last spring, has passed the House of Representatives. It is not expected that the Senate will act on it this year.

Mr. WILLIAMS of Delaware. The insertion I have made shows that even if we repealed the present law, restoring the retirement benefits of the very crooks and scoundrels who have been convicted by the U.S. Government for having accepted bribes or embezzling public funds we would still have in effect an administrative order imposing the same penalties except that then there would not even have to be a conviction in the courts.

If the sponsors of the bill are sincere in saying that this is an unjust penalty and an extra fine, why is it only an extra fine for corrupt officials who have been convicted?

Let no one be disillusioned. This is in effect a private bill for the benefit of a few convicted public officials who formerly held positions of high public trust.

I have not heard of any member of the committee who has come forward to say that he will propose an amendment to the existing law to repeal the authority of the right of the military to cancel the rights of a GI who has committed a minor offense and received a dishonorable discharge.

There is a great deal of discussion about the widow—and I admit that some of the cases have merit—the postal employee, and the marine who lost his pension rights. Nothing is said about the

fact that the marine can still lose his pension rights under existing law even after this bill is passed, by administrative order. If the military authorities want to take the pension away from him, they can still do so.

Will anyone argue that his crime is as bad as that of the top officials in the Revenue Department who were convicted of accepting bribes for fixing tax cases?

This bill would restore retroactively full retirement benefits of every tax agent who was convicted of accepting bribes for fixing tax cases against some of the country's biggest racketeers and gangsters.

Personally, I shall not support this bill. We had enough trouble getting rid of these crooked officials and in many instances could only get rid of them when we put them in the penitentiary. Now Congress is asked to put all of them back on the public payroll by restoring their eligibility to full retirement benefits.

Let us review a few of these cases, to show what we are talking about.

In case No. 1, the individual involved will receive $12,989 in retroactive retirement benefits. He will then get $179 per month in pension payments for the remainder of his life. What was his crime? He was convicted of embezzling parcel post funds.

Another case involves a retroactive payment of $14,130, plus a lifetime pension of $195 a month. He was convicted and sentenced to 1½ years in the penitentiary for robbing the mails.

Here is a third case of $18,959 in retroactive payments given to another man. What was he charged with? He received a 2-year sentence, $500 fine, again for theft of money from the U.S. Government while on official duty.

A fourth case involves a Government employee who was convicted of accepting bribes and unauthorized fees from applicants for naturalization. This man was convicted and sentenced to 3 years in the penitentiary, yet this bill will give this former official $17,744 in back retirement pay plus $224 per month for the rest of his life.

Another employee was convicted of conspiracy to steal Government property, in violation of title 18 of the United States Code. This man was convicted and sentenced to serve 9 months in the Federal penitentiary. Yet he will collect retroactively, $6,878 and receive a payment of $181 a month in pension.

Why should we put this man back on the payroll of the American taxpayer, after violating his public trust?

Remember the contribution which they had made to the retirement fund, plus interest, has been refunded to them. The Government did not keep the money that they had paid in. It withheld from them only that portion of their retirement benefits which would have been paid to them by the Government.

In another case an employee was convicted of four counts of unlawfully and willfully soliciting for personal gain certain sums for using his influence for obtaining promotions in the postal service. In other words, he was selling a paid influence peddler. This man was convicted in court and sentenced by the court. Yet under this bill he would get $9,317 in retroactive payments. In addition he would be put on the Federal retirement rolls with a $155 per month lifetime pension.

Here is another case involving a clothing inspector. He was convicted and sentenced to 3 years in the penitentiary for the solicitation and acceptance of bribes in connection with his official duties. This man under this bill gets $3,447 in back pay plus $95 per month for the rest of his life. I shall not recite all of the case.

Mr. President, I ask unanimous consent that references to a series of specific examples may be printed at this point in the RECORD.

There being no objection, the references were ordered to be printed in the RECORD, as follows:

CASE NO. 140—CLAIM NO. 501668

Agency in which last employed: New York Quartermaster Procurement Agency, Department of the Army.
Position: clothing inspector.
Service: 15 years, 6 months.
Description of offense: solicitation and acceptance of bribe in violation of title 18, United States Code, section 202.
Date of offense: prior to September 19, 1951.
Date of final separation: November 14, 1952.
Reason for final separation: removal.
Sentence of the court (as reported by agency):
Date: September 19, 1951.
Fine: $500.
Prison: 3 years.
Present value of annuity denied by Public Law 769: $13,000.
Approximate refund due: paid, $2,215.25.
Annuity: monthly, $95; accrued to February 28, 1961, $3,447.
H.R. 4601 would remove bar to payment.

CASE NO. 47—CLAIM NO. 399411

Agency last employed: Post Office Department.
Position: station examiner.
Service: 21 years, 10 months.
Description of offense: charged on four counts of unlawfully and willfully soliciting for personal gains certain sums in consideration of a promise to use his influence to obtain promotions in the Post Office Department in violation of sections 214, 215, and 371, title 18, United States Code.
Date of offense: prior to September 25, 1952.
Date of final separation: September 29, 1952.
Reason for final separation: removed.
Sentence of court (as reported by agency):
Date: July 30, 1954.
Fine: $500 or 30 to 60 days.
Present value of annuity denied by Public Law 769: $19,400.
Approximate refund due: paid, $3,378.51.
Annuity: monthly, $155; accrued to April 30, 1960, $7,767.
H.R. 4601 would remove bar to payment.

CASE NO. 161—CLAIM NO. 439809

Agency last employed: Department of the Army.
Position: warehouse foreman.
Service: 19 years, 11 months.
Description of offense: Charged with conspiracy to unlawfully commit theft of Government property in violation of title 18, United States Code, sections 371 and 641.
Date of offense: about January 6, 1950, to March 15, 1956.
Date of final separation: December 14, 1956.
Reason for final separation: disability retirement.
Sentence of court (as reported by agency):
Date: November 26, 1958.
Fine: $250.
Prison: 9 months.
Present value of annuity denied by Public Law 769: $28,000.
Approximate refund due: paid, $2,201.81; paid annuity from November 1, 1956, to December 31, 1957.
Annuity: monthly, $181; accrued to April 30, 1960, $5,068.
H.R. 4601 would remove bar to payment.

CASE NO. 18—CLAIM NO. 385243

Agency last employed: Justice, Immigration and Naturalization.
Position: naturalization examiner.
Service: 30 years, 5 months.
Description of offense: collected unauthorized fees from applicants for naturalization—bribery.
Date of offense: December 1953.
Date of final separation: December 21, 1953.
Reason for final separation: termination from excepted appointment.
Sentence of court (as reported by agency):
Date: May 14, 1954.
Prison: 3 years, several counts.
Present value of annuity denied by Public Law 769: $31,000.
Approximate refund due: paid, $7,341.84.
Annuity: monthly, $224; accrued to February 28, 1961, $17,744.
H.R. 4601 would remove bar to payment.

CASE NO. 7—CLAIM NO. 378143

Agency last employed: Post Office Department.
Position: general foreman.
Service: 36 years, 11 months.
Description of offense: charged with theft from mail.
Date of offense: September 28, 1954.
Date of final separation: October 29, 1954.
Reason for final separation: removed.
Sentence of the court (as reported by agency):
Date: January 7, 1955.
Fine: $500.
Prison: suspended.
Years of probation: 2.
Present value of annuity denied by Public Law 769: $36,000.
Approximate refund due: paid, $7,127.37.
Annuity: monthly, $267; accrued to February 28, 1961, $18,959.
H.R. 4601 would remove bar to payment.

CASE NO. 2—CLAIM NO. 371214

Agency last employed: Post Office Department.
Position: carrier.
Service: 32 years, 1 month.
Description of offense: theft of money from mail.
Date of offense: July 7, 1954.
Date of final separation: August 8, 1954.
Reason for final separation: removed.
Sentence of the court (as reported by agency):
Date: November 1, 1954.
Prison: 1½ years.
Years of probation: ?
Present value of annuity denied by Public Law 769: $29,000.
Approximate refund due: paid, $4,493.85, January 11, 1955.
Annuity: monthly, $195; accrued to February 28, 1961, $14,130.
H.R. 4601 would remove bar to payment.

CASE NO. 1—CLAIM NO. 373486

Agency last employed: Post Office Department.
Position: Clerk in charge.

Service: 36 years 1 month.
Description of offense: Charged by Post Office Department of embezzling $165 collected for parcel-post mailing matter.
Date of offense: August 13, 1954.
Date of final separation: September 13, 1954.
Reason for final separation: Removed.
Sentence of court (as reported by agency):
Date: October 19, 1954.
Prison: Suspended.
Years of probation: 3.
Present value of annuity denied by Public Law 769: $35,000.
Approximate refund due: Paid, $5,833.11.
Annuity: Monthly, $179; accrued to February 28, 1961, $12,989.
H.R. 4601 would remove bar to payment.

Mr. CLARK. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield.

Mr. CLARK. I assume all these cases are referred to in the committee report.

Mr. WILLIAMS of Delaware. Most of them are, but your committee report far from covers all those formely convicted public officials whose eligibility for retirement benefits will be restored under this bill. I ask unanimous consent to have printed at this point in the RECORD a letter from the Civil Service Commission explaining how many of those former employees were convicted in the courts for violations of their public trust, but who have as yet not applied for their pensions. These men would be eligible upon the passage of this bill to ask for their full retirement benefits, notwithstanding their previous convictions.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CIVIL SERVICE COMMISSION,
Washington, D.C., April 16, 1959.

Hon. JOHN J. WILLIAMS,
U.S. Senate.

DEAR SENATOR WILLIAMS: There is before me your letter of March 27 regarding application of S. 91, if enacted, to certain specific cases.

This bill is intended to and will amend the existing bar in Public Law 769, 83d Congress, against annuity awards by limiting its application to crimes or actions involving the national security. It will not affect the Civil Service Retirement Act in any other way. For those persons whose annuity payments are barred because of conviction for embezzlement of Government funds or having accepted bribes or kickbacks while in public office, enactment of S. 91 will restore their annuity rights.

Mr. WILLIAMS of Delaware. Mr. President, I will omit the part of their letter in which they name several formerly convicted public officials all of whom would be eligible for retirement benefits under the bill before us. The bill S. 91 to which they refer is identical to the bill before us today.

These persons are not on the committee list, nor are scores of other former public officials who violated their public trust. Only those who have applied for their retirement benefits, are on the list of the committee report.

I cite one other example, the former manager of the Alaska Railroad Company. He was indicted for certain improper activities in connection with his official duties.

Rather than to stand trial, that man skipped the country and went to South America. When the Government threatened to cancel his passport, he renounced his U.S. citizenship rather than come back and stand trial for the offense which he had committed in the course of his official duties.

The existing law provides for the denial of retirement benefits not only for those convicted in the Federal courts, but also for any public official who skipped out of the country to avoid standing trial on the charges involving his official duties.

This bill will restore his eligibility. I ask unanimous consent that section 405 of the code, which denied this man his retirement benefits, be printed at this point in the RECORD.

There being no objection, section 405 of the code was ordered to be printed in the RECORD, as follows:

FORFEITURE OF ANNUITIES OF PERSONS REMAINING OUTSIDE UNITED STATES TO AVOID PROSECUTION

SEC. 405. The Act entitled "An Act to prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes", approved September 1, 1954 (58 Stat. 1142), is amended by adding at the end of section 2 thereof a new subsection as follows:

"(c) In any case in which, after the date of enactment of this subsection, any person under indictment for any offense within the purview of the first section of this Act willfully remains outside the United States, its Territories, and possessions, for a period in excess of one year with knowledge of such indictment, no annuity or retired pay shall be paid, for any period subsequent to the end of such one-year period to such person or to the survivor or beneficiary of such person, on the basis of the service of such person, as an officer or employee of the Government unless and until a nolle prosequi to the entire indictment is entered upon the record or such person returns and thereafter the indictment is dismissed or after trial by court the accused is found not guilty of the offense or offenses charged in the indictment."

Mr. WILLIAMS of Delaware. The bill would repeal that section and will reestablish the eligibility of this Government employee who renounced his U.S. citizenship rather than come back to this country and stand trial for having abused his public office.

The committee says, through the bill, "Let us give him full retirement benefits, just as though he had been a loyal public servant." I shall not support any such bill. I think it is a sad day when we have in power an administration which is issuing high-sounding codes of ethics, while at the same time it asks Congress to pass a law to restore full retirement benefits to every crook or scoundrel who has ever worked for the U.S. Government, no matter how despicable the offense of which he has been convicted.

If we pass the bill in its present form, the only crime will be getting caught.

The bill may have been reported by the committee three times but it was also defeated twice. I do not care whether it was reported 3 times or 10 times. There may be enough votes on the New Frontier to pass this bill but I want the RECORD to show that there is at least one Senator who will vote against it.

Here is one Senator who does not believe it is necessary that a public official be incarcerated in a Federal penitentiary to keep him off the Federal payroll.

I am not speaking of petty crimes committed by the ordinary employees of the Post Office Department or other Government departments. I am speaking of high public officials who accepted bribes for decisions. Many such employees were top officials. Many were directors of the Internal Revenue Service in their districts. Some were top officials in the Treasury Department right here in Washington. Others held positions in the White House itself. Yet now we are asked to say that the offenses which they committed were not too bad; and that these crooked officials should be entitled to their full retirement benefits.

I shall vote against the bill.

The PRESIDING OFFICER. The bill is open to amendment. If there be no amendment to be proposed, the question is on the third reading and passage of the bill.

The bill (H.R. 6141) was ordered to a third reading, read the third time, and passed.

Mr. CLARK. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. JOHNSTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CLARK. Mr. President, I did not undertake to reply to the Senator from Delaware while the bill was pending, because almost everything he said, he said 2 years ago.

I regret that, in my judgment, what he said 2 years ago and what he said today is substantially inaccurate.

Mr. President, I ask unanimous consent that a synopsis of the case of the former executive of the Alaska Railroad, prepared by the Civil Service Commission last year, may be printed at this point in the RECORD.

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object—and I shall not object—I challenge the Senator from Pennsylvania to cite one specific point I made which was inaccurate.

Mr. CLARK. I do not choose to do so.

Mr. WILLIAMS of Delaware. The Senator from Pennsylvania cannot challenge the accuracy of a single point I made and he knows it.

My analysis of this bill and the cases cited are accurate. I challenge the Senator from Pennsylvania to point out anything I said which he thinks is inaccurate; otherwise, let him not stand there and say it is inaccurate. I have named cases. I have placed the sections of the law in the RECORD. I had something to do with the passage of the law denying these men retirement benefits. I had something to do with exposing the

corruption of some of those public officials. Some of them were top tax collectors. Every one of them—every crooked public official who was convicted in the last 10 years, under the Truman administration or under the Eisenhower administration—would have his retirement benefits restored to him under the bill, and restored retroactively. The Senator from Pennsylvania cannot deny it. For the past 3 years the Senator from Pennsylvania has been trying to restore the retirement benefits of these crooked public officials.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Pennsylvania?

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

CASE NO. 2

Date of birth: January 1, 1902.

Training and experience: mechanical engineer; employed about 24 years, in various positions, by the Atchison, Topeka & Santa Fe Railroad.

Federal service:

Agency, position, date:

U.S. Army, colonel (last rank) from October 10, 1941 to November 30, 1945.

Alaska Railroad, Assistant General Manager, from November 21, 1945 to December 31, 1945.

Alaska Railroad, General Manager, from January 1, 1946 to October 21, 1953.

The dates of military service were not verified, but official correspondence indicates that they are substantially correct and that he was released from the Army to accept the position of General Manager, Alaska Railroad.

Leave without pay from August 7, 1953, was authorized and resignation as General Manager accepted by the Secretary of the Interior, effective October 21, 1953.

INDICTMENT

On September 15, 1953, a grand jury in Alaska returned a sealed indictment which was opened in March 1955.

The indictment charged, in effect, that the defendant acted as an officer and agent of the United States for the transaction of business with a corporation in the profits and contracts of which he was financially interested by reason of its relationship with a company in which defendant was directly interested through ownership of stock. The indictment is still pending.

It appears that the defendant went to South America in June or July 1953 and that he is now a naturalized citizen of Colombia. Application for naturalization was made on May 6, 1955, and granted on October 6, 1955. Prior to October 6, 1955, Colombia was informed of the indictment.

AWARDS

Legion of Merit.

Department of Interior Distinguished Award for outstanding accomplishment in the successful administration of a $70 million program for the rehabilitation of the Alaskan Railroad.

Mr. CLARK. Mr. President, I further ask unanimous consent that an analysis of the purpose and background of the bill and a summary of the bill, made by the staff of the Civil Service Commission, be printed at this point in the RECORD.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

SENATE POST OFFICE AND CIVIL SERVICE COMMITTEE ANALYSIS OF H.R. 6141, "AN ACT TO AMEND THE ACT OF SEPTEMBER 1, 1954, IN ORDER TO LIMIT TO CASES INVOLVING THE NATIONAL SECURITY THE PROHIBITION ON PAYMENT OF ANNUITIES AND RETIRED PAY TO OFFICERS AND EMPLOYEES OF THE UNITED STATES"

PURPOSE

This measure has two major objectives as follows:

First, it continues, clarifies, and strengthens the existing statutory prohibition against the payment of a Federal retirement benefit to any person who has committed an offense against the national security or who refuses to testify before a duly constituted judicial or congressional proceeding in a matter relating to the national security.

Second, it corrects certain inequities resulting from existing law which has denied retirement benefits to individuals and innocent survivors because of offenses in no way related to the national security.

BACKGROUND

This measure has a lengthy background. The Eisenhower administration submitted draft legislation to the 86th Congress which was introduced in the Senate (S. 91) on January 9, 1959 and in the House (H.R. 4601) on February 17, 1959. The later bill passed the House and was referred to the Senate on April 14, 1959. The bill was considered in the Senate on May 12, 1960, and together with S. 91 it was recommitted to this committee. On June 10, 1960, the bill (H.R. 4601) was again favorably reported to the Senate. It received no further consideration in the 86th Congress.

Shortly after the 87th Congress convened, a number of bills identical to H.R. 4601 of the 86th Congress were introduced in the House. None was introduced in the Senate.

The House held hearings on H.R. 6141 and related bills on June 13, 1961. On June 15, the bill was favorably reported; and on July 12 it passed the House without a word of opposition.

Hearings on the measure were held by the Retirement Subcommittee of the Senate Committee on Post Office and Civil Service on July 26, 1961.

Favorable testimony was received from the Bureau of the Budget, the Civil Service Commission, the Post Office Department, the Department of Defense, and representatives of a large number of employee organizations. There was no adverse testimony from any source.

Senator WILLIAMS of Delaware was invited in writing to appear at the hearing but did not do so. He did submit a letter for the record. An offer to reconvene the hearing at a day agreeable to him was declined by Senator WILLIAMS on the basis that his letter "clearly set forth his position."

SUMMARY

Last year's report on H.R. 4601 contains as exhibit 4 a summary of 189 claims for a civilian annuity denied under existing law. Since that time, 24 additional claims have been denied, making a total of 213. Of this number, 28 have since been allowed by virtue of a Presidential pardon, 3 have been allowed by reason of Court of Claims decisions, 5 have been allowed as the result of a reappraisal of evidence—thus a total of 36 of those originally denied have since been allowed leaving a residue of 177 still denied.

If this bill is enacted, 12 cases would continue to be denied and the remainder would be allowed.

The Department of Defense submitted a table listing some 51 cases in which military retirement has been denied by reason of existing law. The total which might arise in the future cannot be determined without a search of records on a worldwide basis. The Department takes the position that the present law is unduly harsh, has a bad effect on morale, and should be modified as proposed.

AMENDMENT TO SHIPPING ACT OF 1916

Mr. CLARK. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 842, H.R. 6775.

The PRESIDING OFFICER. The bill will be stated by title.

The LEGISLATIVE CLERK. A bill (H.R. 6775) to amend the Shipping Act, 1916, as amended, to provide for the operation of steamship conferences.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Pennsylvania.

The motion was agreed to; and the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, with an amendment to strike out all after the enacting clause and insert:

That paragraph Third of section 14, Shipping Act, 1916, is amended by inserting the word "unjustly" before the word "discriminating".

SEC. 2. The Shipping Act, 1916, is amended by adding after section 14a a new section to read as follows:

"SEC. 14b. Notwithstanding any other provision of this Act, on application the Federal Maritime Commission (hereinafter 'Commission') shall, after notice, permit the use by any common carrier or conference of such carriers in foreign commerce of any contract, amendment, or modification thereof, which is available to all shippers and consignees on equal terms and conditions, which provides lower rates to a shipper or consignee who agrees to give all or any fixed portion of his patronage to such carrier or conference of carriers unless the Commission finds that the contract, amendment, or modification thereof, will be detrimental to the commerce of the United States or contrary to the public interest, or unjustly discriminatory or unfair as between shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, and provided the contract, amendment, or modification thereof, expressly (1) permits prompt release of the contract shipper from the contract with respect to any shipment or shipments for which the contracting carrier or conference of carriers cannot provide as much space as the contract shipper shall require on reasonable notice; (2) provides that whenever a tariff rate for the carriage of goods under the contract becomes effective, insofar as it is under the control of the carrier or conference of carriers, it shall not be increased before a reasonable period, but in no case less than ninety days, except in case of war or other force majeure; (3) covers only those goods of the contract shipper as to the shipment of which he has the legal right at the time of shipment to select the carrier: *Provided, however,* That it shall be deemed a breach of the contract if, before the time of shipment and with the intent to avoid his obligation under the contract, the contract shipper divests himself of the legal right to select the carrier and the shipment is carried by a carrier which is not a party to the contract; (4) limits damages recoverable for breach by either party to actual damages to be determined after breach in

Public Law 87-299
87th Congress, H. R. 6141
September 26, 1961

An Act

75 STAT. 640.

To amend the Act of September 1, 1954, in order to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the United States, to clarify the application and operation of such Act, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to prohibit payment of annuities to officers and employees of the United States convicted of certain offenses, and for other purposes", approved September 1, 1954, as amended (68 Stat. 1142, 70 Stat. 761; 5 U.S.C. 2281–2288), is amended to read as follows:

Federal employees. Denial of annuities in certain cases.

"That (a) there shall not be paid to any person convicted, prior to, on or after September 1, 1954, under any article or provision of law specified or described in this subsection, of any offense within the purview of such article or provision to the extent provided in this subsection, or to any survivor or beneficiary of such persons so convicted, for any period subsequent to the date of such conviction or subsequent to September 1, 1954, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay—

"(1) any offense within the purview of—

National Security offenses. 62 Stat. 736; 64 Stat. 1003. 68 Stat. 1219. 65 Stat. 719; 67 Stat. 133.

"(A) section 792 (harboring or concealing persons), 793 (gathering, transmitting, or losing defense information), 794 (gathering or delivering defense information to aid foreign government), or 798 (disclosure of classified information), of chapter 37 (relating to espionage and censorship) of title 18 of the United States Code,

"(B) chapter 105 (relating to sabotage) of title 18 of the United States Code,

"(C) section 2381 (treason), 2382 (misprision of treason), 2383 (rebellion or insurrection), 2384 (seditious conspiracy), 2385 (advocating overthrow of government), 2387 (activities affecting armed forces generally), 2388 (activities affecting armed forces during war), 2389 (recruiting for service against United States), or 2390 (enlistment to serve against United States), of chapter 115 (relating to treason, sedition, and subversive activities) of title 18 of the United States Code,

62 Stat. 807–812.

"(D) section 10(b)(2), 10(b)(3), or 10(b)(4) of the Atomic Energy Act of 1946 (60 Stat. 766, 767; 42 U.S.C., 1952 edition, sec. 1810(b) (2), (3) and (4), as in effect prior to the enactment of the Atomic Energy Act of 1954 by the Act of August 30, 1954 (68 Stat. 919; Public Law 703, Eighty-third Congress; 42 U.S.C. 2011–2281),

"(E) section 16(a) or 16(b) of the Atomic Energy Act of 1946 (60 Stat. 773; 42 U.S.C., 1952 edition, sec. 1816(a) and (b)) as in effect prior to the enactment of the Atomic Energy Act of 1954 by the Act of August 30, 1954, insofar as such offense under such section 16(a) or 16(b) is committed with intent to injure the United States or with intent to secure an advantage to any foreign nation, or

"(F) any prior provision of law on which any provision of law specified in subparagraph (A), (B), or (C) of this paragraph is based;

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"(2) any offense within the purview of—

70A Stat. 70, 71. 10 USC 904, 906. 10 USC 801-940.

"(A) article 104 (aiding the enemy) or article 106 (spies) of the Uniform Code of Military Justice (chapter 47 of title 10 of the United States Code) or any prior article on which such article 104 or article 106, as the case may be, is based, or

"(B) any current article of the Uniform Code of Military Justice (or any prior article on which such current article is based) not specified or described in subparagraph (A) of this paragraph on the basis of charges and specifications describing a violation of any provision of law specified or described in paragraph (1), (3), or (4) of this subsection if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defendant dies before execution of such sentence as finally approved;

Perjury.

"(3) perjury committed under the laws of the United States or of the District of Columbia—

"(A) in falsely denying the commission of an act which constitutes any of the offenses—

"(i) within the purview of any provision of law specified or described in paragraph (1) of this subsection, or

"(ii) within the purview of any article or provision of law specified or described in paragraph (2) of this subsection insofar as such offense is within the purview of any article or provision of law specified or described in paragraph (1) or paragraph (2)(A) of this subsection,

"(B) in falsely testifying before any Federal grand jury, court of the United States, or court-martial with respect to his service as an officer or employee of the Government in connection with any matter involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States, or

"(C) in falsely testifying before any congressional committee in connection with any matter under inquiry before such congressional committee involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States; and

"(4) subornation of perjury committed in connection with the false denial or false testimony of another person as specified in paragraph (3) of this subsection.

"(b) There shall not be paid to any person convicted, prior to, on, or after the date of enactment of this amendment, under any article or provision of law specified or described in this subsection, of any offense within the purview of such article or provision to the extent provided in this subsection, or to any survivor or beneficiary of such person so convicted, for any period subsequent to the date of such conviction or subsequent to the date of enactment of this amendment, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay—

"(1) any offense within the purview of—

"(A) section 222 (violation of specific sections) or section 223 (violation of sections generally of the Atomic Energy Act of 1954 (68 Stat. 958; 42 U.S.C. 2272 and 2273) insofar as such offense under such section 222 or 223 is committed

with intent to injure the United States or with intent to secure an advantage to any foreign nation,

"(B) section 224 (communication of restricted data), section 225 (receipt of restricted data), or section 226 (tampering with restricted data) of the Atomic Energy Act of 1954 (68 Stat. 958 and 959; 42 U.S.C. 2274, 2275, and 2276), or

"(C) section 4 (conspiracy and communication or receipt of classified information), section 112 (conspiracy or evasion of apprehension during internal security emergency), or section 113 (aiding evasion of apprehension during internal security emergency) of the Internal Security Act of 1950 (64 Stat. 991, 1029, and 1030; 50 U.S.C. 783, 822, and 823);

"(2) any offense within the purview of any current article of the Uniform Code of Military Justice (chapter 47 of title 10 of the United States Code), or any prior article on which such current article is based, on the basis of charges and specifications describing a violation of any provision of law specified or described in paragraph (1), (3), or (4) of this subsection, if the executed sentence includes death, dishonorable discharge, or dismissal from the service, or if the defendant dies before execution of such sentence as finally approved; 10 USC 801-940.

"(3) perjury committed under the laws of the United States or the District of Columbia in falsely denying the commission of an act which constitutes any of the offenses within the purview of any provision of law specified or described in paragraph (1) of this subsection; and Perjury.

"(4) subornation of perjury committed in connection with the false denial of another person as specified in paragraph (3) of this subsection.

"Sec. 2. (a) There shall not be paid to any person who, prior to, on, or after September 1, 1954, has refused or refuses, or knowingly and willfully has failed or fails, to appear, testify, or produce any book, paper, record, or other document, relating to his service as an officer or employee of the Government, before a Federal grand jury, court of the United States, court-martial, or congressional committee, in any proceeding with respect to— Refusal to testify, etc.

"(1) any relationship which he has had or has with a foreign government, or

"(2) any matter involving or relating to any interference with or endangerment of, or involving or relating to any plan or attempt to interfere with or endanger, the national security or defense of the United States,

or to the survivor or beneficiary of such person, for any period subsequent to September 1, 1954, or subsequent to the date of such failure or refusal of such person, whichever date is later, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

"(b) There shall not be paid to any person who, prior to, on, or after September 1, 1954, knowingly and willfully, has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, knowingly and willfully, has concealed or conceals any material fact, with respect to his— False statements or concealment.

"(1) past or present membership in, affiliation or association with, or support of the Communist Party, or any chapter, branch, or subdivision thereof, in or outside the United States, or any other organization, party, or group advocating (A) the overthrow, by force, violence, or other unconstitutional means, of the Government of the United States, (B) the establishment, by force, vio-

lence, or other unconstitutional means, of a Communist totalitarian dictatorship in the United States, or (C) the right to strike against the Government of the United States,

"(2) conviction, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or

"(3) failure or refusal to appear, and testify, or produce any book, paper, record, or other document, as specified in subsection (a) of this section,

for any period subsequent to September 1, 1954, or subsequent to the date on which any such statement, representation, or concealment of fact is made or occurs, whichever date is later, in any document executed by such person in connection with his employment in, or application for, a civilian or military office or position in or under the legislative, executive, or judicial branch of the Government of the United States or the government of the District of Columbia; or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

"(c) There shall not be paid to any person who, prior to, on, or after the date of enactment of this amendment, knowingly and willfully, has made or makes any false, fictitious, or fraudulent statement or representation, or who, prior to, on, or after such date, knowingly and willfully, has concealed or conceals any material fact, with respect to his conviction, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, for any period subsequent to the date of enactment of this amendment or subsequent to the date on which any such statement, representation, or concealment of fact is made or occurs, whichever date is later, in any document executed by such person in connection with his employment in, or application for, a civilian or military office or position in or under the legislative, executive, or judicial branch of the Government of the United States or the government of the District of Columbia, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay.

Fugitives. Willful avoidance of prosecution.

"SEC. 3. There shall not be paid to any person—

"(1) who (A) after July 31, 1956, is under indictment, or has outstanding against him charges preferred under the Uniform Code of Military Justice, for any offense within the purview of subsection (a) of the first section of this Act, or (B) after the date of enactment of this amendment, is under indictment, or has outstanding against him charges preferred under the Uniform Code of Military Justice, for any offense within the purview of subsection (b) of such first section, and

"(2) who willfully remains outside the United States, its Territories and possessions, and the Commonwealth of Puerto Rico for a period in excess of one year with knowledge of such indictment or charges, as the case may be,

for any period subsequent to the end of such one-year period, or to the survivor or beneficiary of such person, any annuity or retired pay on the basis of the service of such person (subject to the exceptions

contained in section 10 (2) and (3) of this Act) which is creditable toward such annuity or retired pay, unless and until—

"(i) a nolle prosequi to the entire indictment is entered upon the record, or such charges have been dismissed by competent authority, as the case may be,

"(ii) such person returns and thereafter the indictment, or charges, is or are dismissed, or

"(iii) after trial by court or court-martial, as applicable, the accused is found not guilty of the offense or offenses referred to in paragraph (1) of this section.

"SEC. 4. (a) In the case of— Refunds of contributions.

"(1) the conviction of any person, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by any person of any violation of subsection (a) or (b) of section 2 of this Act, or

"(2) the conviction of any person, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by any person of any violation of subsection (c) of section 2 of this Act,

any amounts (not including employment taxes) contributed by such person toward an annuity the benefits of which are denied under this Act (less any amounts previously refunded or previously paid as annuity benefits) shall be refunded, upon appropriate application therefor—

"(A) to such person,

"(B) if such person is deceased, to such other person or persons as may be designated to receive refunds by or under the law, regulation, or agreement under which the annuity (the benefits of which are denied under this Act) would have been payable, or

"(C) if there is no such designation, in the order of precedence prescribed in section 11(c) of the Civil Service Retirement Act (70 Stat. 755; 5 U.S.C. 2261(c)) or section 2771 of title 10 of the United States Code, as applicable. 72 Stat. 1461.

"(b) Each refund under subsection (a) of this section shall be made with interest at such rates and for such periods as may be provided under the law, regulation, or agreement under which the annuity would have been payable. Such interest shall not be computed— Interest.

"(1) if paragraph (1) of subsection (a) of this section is applicable, for any period after the date of conviction or commission of violation, as the case may be, or after September 1, 1954, whichever date is later, or

"(2) if paragraph (2) of subsection (a) of this section is applicable, for any period after the date of conviction or commission of violation, as the case may be, or after the date of enactment of this amendment, whichever date is later.

"(c) No person whose annuity is denied under this Act shall be required to repay that part of any annuity otherwise properly paid to such person which is in excess of the aggregate amount of his own contributions toward such annuity, with applicable interest. Refund of annuity payments.

"(d) No survivor or beneficiary of any such person shall be required to repay that part of any annuity otherwise properly paid to such person or to such survivor or beneficiary on the basis of the service of such person which is in excess of the aggregate amount of the contributions of such person toward annuity, with applicable interest. Survivor annuitants.

10 USC 1431-1444.
37 USC 373-381 notes.

"SEC. 5. (a) No person (including an eligible beneficiary under chapter 73 of title 10 of the United States Code or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374)) to whom payment of retired pay is denied under this Act shall be required to refund to the United States any retired pay otherwise properly paid to such person or beneficiary which is paid in violation of this Act.

"(b) In the case of the conviction of, or the commission of any violation by, any person to the extent provided in paragraph (1) or paragraph (2), as the case may be, of section 4(a) of this Act, any deposits made under section 1438 of chapter 73 of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374), to provide the eligible beneficiary with annuity for any period (less amounts previously paid as retired pay benefits) shall be refunded, upon appropriate application therefor, in accordance with such section 4(a), with interest as provided in section 4(b) of this Act.

70A Stat. 110.

Restoration after pardon.

"SEC. 6. (a) The right to receive an annuity or retired pay shall be deemed restored to any person convicted, prior to, on, or after September 1, 1954, of an offense which is within the purview of the first section of this Act or which constitutes a violation of section 2 of this Act, for which he is denied under this Act an annuity or retired pay, to whom a pardon of such offense is granted by the President of the United States, prior to, on, or after September 1, 1954, and to the survivor or beneficiary of such person. Such restoration of the right to receive an annuity or retired pay shall be effective as of the date on which such pardon is granted. Any amounts refunded to such person under section 4 or section 5(b) of this Act shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made, by virtue of such pardon, for any period prior to the date on which such pardon is granted.

Effective date.

"(b) The President is authorized to restore, effective as of such date as he may prescribe, the right to receive an annuity or retired pay to any person who is denied, prior to, on, or after September 1, 1954, an annuity or retired pay under section 2 of this Act, and to the survivor or beneficiary of such person. Any amounts refunded to such person under section 4 or section 5(b) of this Act shall be redeposited before credit is allowed for the period or periods of service covered by the refund. No payment of annuity or retired pay shall be made, by virtue of such restoration of annuity or retired pay by the President under this subsection, for any period prior to the effective date of such restoration of annuity or retired pay.

Compliance with orders.

"(c) The right to receive an annuity or retired pay shall not be denied because of any conviction of an offense which is within the purview of the first section of this Act or which constitutes a violation of section 2 of this Act, in any case in which it is established by satisfactory evidence that such conviction or violation resulted from proper compliance with orders issued, in a confidential relationship, by a department, agency, establishment, or other authority of any branch of the Government of the United States or of the government of the District of Columbia.

Nonliability of officers.

"SEC. 7. No accountable officer or employee of the Government shall be held responsible for any payment made in violation of any provision of this Act if such payment is made in due course and without fraud, collusion, or gross negligence.

"SEC. 8. (a) The President may— Uniformed personnel.

"(1) drop from the rolls any member of the armed forces, and any member of the Coast and Geodetic Survey or of the Public Health Service, who is deprived of retired pay under the provisions of this Act, and Removal from rolls.

"(2) (A) restore to any person so dropped from the rolls to whom retired pay is restored by reason of any provision of or change in this Act (including the provisions of section 2 of the Act which enacts this clause), his military status, and (B) restore to him and his beneficiaries all rights and privileges of which he or they were deprived by reason of his name having been dropped from the rolls. Restoration.

"(b) If the person restored was a commissioned officer he may be reappointed by the President alone to the grade and position on the retired list which he held at the time his name was dropped from the rolls. Commissioned officer. Reappointment.

"SEC. 9. This Act shall not be construed to restrict any authority under any other provision of law to deny or withhold benefits authorized by law. Savings clause.

"SEC. 10. As used in this Act— Definitions.

"(1) the term 'officer or employee of the Government' includes—

"(A) an officer or employee in or under the legislative, executive, or judicial branch of the Government of the United States;

"(B) a Member of, Delegate to, or Resident Commissioner in, the Congress of the United States;

"(C) an officer or employee of the government of the District of Columbia; and

"(D) a member or former member of the armed forces, the Coast and Geodetic Survey, or the Public Health Service.

"(2) the term 'annuity' means any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act and any monthly annuity under section 2 or section 5 of the Railroad Retirement Act of 1937) payable by any department or agency of the Government of the United States or the government of the District of Columbia upon the basis of service as a civilian officer or employee of the Government and any other service which is creditable to an officer or employee of the Government toward such benefit under the law, regulation, or agreement providing such benefit, except that— 42 USC 401-425. 45 USC 228b, 228e.

"(A) the term 'annuity' does not include any benefit provided under laws administered by the Veterans' Administration; Exceptions.

"(B) the term 'annuity' does not include salary or compensation which may not be diminished under section 1 of Article III of the Constitution of the United States; USC prec. title 1.

"(C) the term 'annuity' does not include, in the case of a benefit payable under title II of the Social Security Act, so much of such benefit as would be payable without taking into account (for any of the purposes of such title II, including determinations of periods of disability under section 216 (i)) any remuneration for service as an officer or employee of the Government; 68 Stat. 1080. 42 USC 416.

"(D) the term 'annuity' does not include any monthly annuity awarded under section 2 or section 5 of the Railroad Retirement Act of 1937 prior to the date of enactment of this amendment (whether or not computed under section 3(e) of such Act) and, in the case of any annuity awarded 45 USC 228c.

under such section 2 or 5 on or subsequent to the date of enactment of this amendment, does not include so much of such annuity as would be payable without taking into account any military service creditable under section 4 of such Act;

"(E) the term 'annuity' does not include any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act) of any person to whom such benefit has been awarded or granted prior to September 1, 1954, or of the survivor or beneficiary of such person, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (a) or (b) of section 2 of this Act; and

42 USC 401-425.

"(F) the term 'annuity' does not include any retirement benefit (including any disability insurance benefit and any dependent's or survivor's benefit under title II of the Social Security Act) of any person to whom such benefit has been awarded or granted prior to the date of enactment of this amendment, or of the survivor or beneficiary of such person, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (c) of section 2 of this Act.

"(3) the term 'retired pay' means retired pay, retirement pay, retainer pay, or equivalent pay, payable under any law of the United States to members or former members of the armed forces, the Coast and Geodetic Survey, and the Public Health Service, and any annuity payable to an eligible beneficiary of any such member or former member under chapter 73 (annuities based on retired or retainer pay) of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C., 1952 edition, Supp. III, sec. 374), except that—

10 USC 1431-1444.

37 USC 373-381 note.

"(A) the term 'retired pay' does not include any benefit provided under laws administered by the Veterans' Administration;

"(B) the term 'retired pay', as applicable to retired pay, retirement pay, retainer pay, and equivalent pay, does not include any such pay of any person to whom such pay has been awarded or granted prior to September 1, 1954, insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (a) of the first section of this Act, of any offense within the purview of such subsection (a) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (a) or (b) of section 2 of this Act;

"(C) the term 'retired pay', as applicable to retired pay, retirement pay, retainer pay, or equivalent pay, does not

include any such pay of any person to whom such pay has been awarded or granted prior to the date of enactment of this amendment insofar as concerns the conviction of such person, prior to such date, under any article or provision of law specified or described in subsection (b) of the first section of this Act, of any offense within the purview of such subsection (b) to the extent provided in such subsection, or the commission by such person, prior to such date, of any violation of subsection (c) of section 2 of this Act; and

"(D) the term 'retired pay', as applicable to an annuity payable to the eligible beneficiary of any person under chapter 73 of title 10 of the United States Code, or under section 5 of the Uniformed Services Contingency Option Act of 1953 (67 Stat. 504; 37 U.S.C. 1952 edition, Supp. III, sec. 374), does not include any such annuity of any such beneficiary if such annuity has been awarded or granted to such beneficiary, or if retired pay has been awarded or granted to such person, prior to the date of enactment of this amendment insofar as concerns—

"(i) the conviction, prior to such date, of the person on the basis of whose service such annuity is awarded or granted, under any article or provision of law specified or described in the first section of this Act, of any offense within the purview of such first section to the extent specified in such section, or

"(ii) the commission by such person, prior to such date, of any violation of section 2 of this Act.

"(4) the term 'armed forces' shall have the meaning provided for such term by title 10 of the United States Code. 10 USC 101.

"Sec. 11. If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. Separability.

"Sec. 12. (a) Section 3282 of title 18 of the United States Code is amended by striking out 'three' and inserting in lieu thereof 'five'. Statute of limitations. 68 Stat. 1145.

"(b) The amendment made by subsection (a) shall be effective with respect to offenses (1) committed on or after September 1, 1954, or (2) committed prior to such date, if on such date prosecution therefor is not barred by provisions of law in effect prior to such date."

Sec. 2. (a) Subject to subsection (b) of this section, any person, including his survivor or beneficiary, to whom annuity or retired pay is not payable under the Act of September 1, 1954, as in effect at any time prior to the date of enactment of this Act, by reason of any conviction of an offense, any commission of a violation, any refusal to answer, or any absence under indictment, or under charges, for any offense, shall be restored the right to receive such annuity or retired pay for any and all periods for which he would have had the right to receive such annuity or retired pay if the Act of September 1, 1954, had not been enacted, unless, under the amendment made by the first section of this Act, such annuity or retired pay remains nonpayable to such person, including his survivor or beneficiary. Annuity benefits. Retroactive restoration. 5 USC 2281-2288.

(b) No annuity accrued or accruing, prior to, on, or after the date of enactment of this Act, on account of the restoration, by Repayment of contributions or deposits.

reason of the amendment made by the first section of this Act and by reason of subsection (a) of this section, of the right to receive such annuity, shall be paid until any sum refunded under section 3 of the Act of September 1, 1954, as in effect prior to the date of enactment of such amendment, is deposited or is collected by offset against the annuity.

68 Stat. 1143.
5 USC 2284.

Approved September 26, 1961.

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